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# KING ALFRED'S JEWEL



*G. Mathews. Sc.*

*G. Clements. Oxon.*

A  
LETTER  
TO  
HIS GRACE THE DUKE OF MARLBOROUGH,  
AND THE  
RIGHT HON. BARON CHURCHILL,  
LAY-RECTORS  
OF THE  
MANOR AND PARISH OF CHARLBURY,  
ON THE  
SACRILEGE AND IMPOLICY  
OF THE  
FORCED COMMUTATION OF TITHES.

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BY THE  
REV. T. SILVER, D.C.L.  
OF ST. JOHN'S COLLEGE, OXFORD, AND FORMERLY  
ANGLO-SAXON PROFESSOR.



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Here men that die receive Tithes; but there HE receiveth them, of whom  
it is witnessed that He liveth. *Heb. vii. 8.*

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OXFORD,  
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1842.

1075.





## ALFRED'S GEM.

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THIS coloured Gem bears round its border this inscription, *ÆLFRED MEC HEIT GEWYRCAN*, *Alfred commanded me to be worked, or made*. This Jewel was engraved, and prefixed, about ten years ago, to the Coronation Ceremony of the Anglo-Saxon Kings, which ceremony, since the age of Alfred, has taken place without intermission. There is in the Jewel office a broken Crown of wire-work, called Alfred's Crown; the workmanship corresponds to the fashion of this Gem, which seems to have been part of the Regalia. The reverse of the Gem is flat, and in the head of the sea griffin, at the end of the Jewel, there is a rivet, to which a chain seems to have been fixed, that it might be worn round the neck of Alfred, who wore it as our Sovereigns now wear similar ornaments. I thought formerly that the figure in the Gem itself was a type of Alfred's office as King; but I am now convinced, that the figure itself is that of Jesus Christ, notwithstanding that it is clothed in the military vest of the Saxons; for it was the custom of those times to draw characters in their own dresses<sup>a</sup>. The position of the

<sup>a</sup> There is in the church of Dorchester, Oxfordshire, a most ancient Baptismal Font, much like the Font in Winchester Cathedral, and the remains of that in St. Peter's in the East, at Oxford, which was Alfred's Church, built by Grimbald. It is more ancient than these Fonts. It is divided into twelve compartments, each containing an Apostle; the Apostles are clothed in the dress of the ancient Gothic Saxon Kings, which was not worn after the age of Charlemagne. It is a

image is founded on a passage in the 45th Psalm, verse 3, and which is still retained in the present Coronation Service; when the Bishop says, "Remember of whom it is said, Gird thyself with thy sword upon thy thigh, O thou most Mighty."

This is therefore our Saviour, the belt of the sword being seen surmounted with Fleur de Lis. Our Saviour, as the Melchizedec, carries the double Sceptre, one on each shoulder, the long Sceptre representing the invisible Church in heaven, the shorter that on earth; both are surmounted with Fleur de Lis, or Lilies, and both Sceptres meet at a given point. Alfred was the first sovereign who was crowned with the Tithe inherent in it, as attached to the order of Melchizedec. As the Anglo-Saxon Kings and also the Normans considered themselves as the Gespelia or messengers of Christ, or the Vicarii Christi in terra, Alfred, under these impressions of his state, ordered this image of our Saviour most ancient Monument of the Church, and has sustained no injury from time. The Saxon Chronicle contains the following notice.

A.D. 635. This year King Cynegils, (King of West Saxons,) was baptized by Bishop Berinus\* at Dorchester, and Oswald, King of the North-Umbrians, was his sponsor.

A.D. 636. This year, King Cwychelm was baptized at Dorchester, and died the same year.

A.D. 638. This year Berinus baptized King Cuthred at Dorchester, and received him as his son. *Ingram, Sax. Chron.*

This Font has every appearance of being of that age, and it is therefore 1200 years old. It is an ancient Monument of the union of the Church and State. The Font in which Edward the Confessor was baptized, existed some time since at Islip in Oxfordshire. It was then used as a trough for cattle to drink out of. At this Baptism, the manor of Islip was given by his Mother Emma to Edward, in right of his Frumship, or his Primogeniture. Kennett's Parochial Antiquities. Entailed estates are traced in Alfred's Laws; if the Bishop attested the entail, they were legal.

\* Berinus built Bicester, originally Binni Castra.

to be made, and He wore it round his neck, from which probably it dropped. It was found in Somersetshire, but is now in the Ashmolean Museum at Oxford. Though made 950 years ago, it is in perfect preservation. It is almost wonderful that it should be found in this state, for it must have laid in the marshes between 8 and 900 years. It was found at Athelney, or Athelinga Igge, which was a small fortress, to which Alfred retreated when his fortunes were completely broken by the Danes, and, as the Saxon Chronicle informs us, all despaired of their country, all but Alfred the King. Saxon Chron. 878.

Connecting this picture of Christ as the Melchizedec, the Tithe of the King as the Vicarius Christi in terra, the ancient Coronation Service of the Anglo-Saxon Kings, the laws of Alfred, and his reference in them to the Apostolic Council of Jerusalem, we may collect from these circumstances, that Alfred considered that the Tithe had been granted by himself, the State, and the landholders, to the invisible Melchizedec in heaven, and that the Crown power was the great trustee of the rights which all parties held on them.



# A LETTER

TO

HIS GRACE THE DUKE OF MARLBOROUGH,

AND THE

RIGHT HON. BARON CHURCHILL,

LAY-RECTORS

OF THE MANOR AND PARISH OF CHARLBURY,

ON THE SACRILEGE AND IMPOLICY OF THE

FORCED COMMUTATION OF TITHES.

MY LORDS,

I HAVE received from the late Duke of Marlborough, as also from yourselves, communications respecting the commutation of Tithes by the Commissioners appointed for that purpose. I have ever held the most decided objections to that measure; and the present Pamphlet contains the reasons of those objections. As the time appointed for the existence of the Tithe Commission has expired, and it is only renewed until the approaching Session of Parliament, I can scarcely be said to speak of an existing law. For the opinions expressed in this Pamphlet I alone am responsible; I have never communicated with any other party but myself on this subject. I also have to beg the favour of one of your Lordships, that you will be pleased to present to the House of Lords from me the following Petition.

I have the honour to remain,

Your obedient servant,

THOMAS SILVER,

*Vicar of Charlbury.*

*Jan. 31, 1842.*



THE HUMBLE PETITION

OF THE

REV. THOMAS SILVER, D.C.L.

VICAR OF CHARLBURY,

TO THE LORDS SPIRITUAL AND TEMPORAL

IN PARLIAMENT ASSEMBLED :

SHEWING,

THAT as Parliament in its wisdom and justice has thought proper to omit the Clauses from the commutation of copyhold tenures, which enforced commutation against the consent of the owners of the copies, that the same measure be extended to Tithes in cases in which they have been bought and sold, or they have been possessed by an hereditary right.

That your Petitioner conceives these circumstances convert Tithes into chattels, and that in this case they in no wise differ from other landed property. Your Petitioner further begs to state, that the Clergy are both an estate of the Realm and also an estate of Parliament, and that they are the most ancient hereditary state in the empire.

Your Petitioner therefore humbly prays, that such great and unprecedented changes in Church property may not continue to be made without the consent of the Convocation of the Clergy.

And your Petitioner will ever pray.

A

LETTER,

&c.

TITHE is a word which perhaps, since the proposed alteration in it as a property, has been pronounced as often as any word which occurs in our language, though few understand the meaning of the term; yet its signification is closely connected with the right understanding of its nature. From long and general usage, we suppose it means a tenth portion; but in its original sense, that in which it was used by the institutors of the property, Tithe signifies the Gift, in the same mode as the Bible means the Book, as a term of preeminence: As the Bible is the Book of God, so the Tithe is the Gift to God. That gift is indeed a tenth part of the landed produce, but the parties who gave it that name meant to convey these notions of the nature and importance of that peculiar species of property, and to distinguish it in consequence above all other appropriations as the Gift. And had the word been generally understood in its true sense, it is probable that the gift itself would have been treated with greater reverence, and

B



the purposes for which it was granted more fully accomplished. Latin writers indeed generally style it the *Donum Deo et Ecclesiæ*, allowing the usufruct to the priesthood, and investing the real right in the Deity ; and this unquestionably defines correctly the nature of the property, and the intentions of those who gave and received the consecrated offering.

As very important consequences are likely to follow from the commutation of Tithe, especially in cases where compulsion is used as to the exchange ; circumstances lead us to state by whom, and to whom, and for what purposes this gift was made, and what duties are imposed both on the givers and the receivers, and whether the forced commutation of them is not a violation of the pledges mutually given at the origin of this peculiar species of property.

The Pope, who has corrupted the greater part of those institutions with which he has intermeddled, taught that there was a divine right of Tithe ; that is, that the Christian priesthood universally and of themselves had the same right of Divine appointment as the Levitical. This was an error, and the enemies of the Church have taken the advantage of it, and reduced the Tithe to a merely human possession. But the original term, the Tithe, the Gift to God, establishes the truth, and makes out the real title, not indeed of that kind maintained by popular error, but a Divine right, pure and incontrovertible, and therefore sacred and inviolable. God has not

set apart that property in the Christian Church generally for man, but man has dedicated such a possession to God, because he found it established by Divine command, in the laws of the Holy Land ; and therefore there is a divine right in them, because such dedications have been sanctioned by the Deity, under the Christian covenant ; and therefore also there is a divine right in the Christian priesthood to receive them when given, although not to take them until given ; but when given, they are given to God. They are the Tithe, the Gift, the *Dominium Rectum*, to use the language of the law, being in God ; the *Dominium Utile*, or the usufruct, in the priest or holder of them. And it is to this spiritual tenure, originating with the tithe, that we are to trace this distinction of our law, and the *Dominium Rectum* of all other land is still in the crown or the lord of the manor ; as is found in cases of felony, treason, or extinction of blood. The Tithe was given in our nation, *A Rege Baronibus et Populo* ; and the House of Lords, the representatives of the lesser Barons, is the supreme court of justice for the regulation of them, (*Laws Ed. Conf.*) It was the Levitical Tithe which St. Paul declares to have been abolished together with the ceremonial law. But the Tithe itself was then reattached to the order of Melchizedec, of which Christ was the Head, and which Christ receives, as St. Paul expressly says in the Epistle to the Hebrews. It is true therefore that one species of Tithe has been set aside, together with



the Levitical priesthood and the ceremonial Law ; but it is not true that Tithe was then abolished, as Spelman and some other writers have said. But they were transferred, or rather restored, to the order of Melchizedec, of which primogeniture was a part. At the same time there was also another power transferred from the Levitical order to that of Melchizedec, (which is only another name for the Christian priesthood,) which was the power of receiving offerings consecrated to God, and the severe punishment of Ananias and Sapphira is the proof that the Deity is really a party to such consecration. As the future welfare of the Church, when its miraculous aid should cease, has depended upon this power, it will account for this early and terrible display of its ratification. The Levites were the temporary substitutes of the elder born, and when the Levitical priesthood was abolished, and the Tithe transferred to the Christian priesthood, the powers held by them, not connected with the ceremonial law, would probably have been transferred back again to the first born, who held them before the institution of the Levites. It is certain that primogeniture is part of the order of Melchizedec, of Christ its head. It is expressly mentioned as part of the superiority of the human character of Christ ; " I have made him my first born, higher than the kings of the earth." We have a right therefore to assume, that it may be part of the reason why St. Paul speaks and reasons so strongly and

continually of Christ, as the Melchizedec still receiving the tithe for the purposes of the temporal government of his church on earth. A very good reason may be hazarded why the priesthood was taken from the first born and given to the tribe of Levi. The corruption of mankind was so general, that the families indiscriminately could not be trusted with the law and worship of Jehovah, and they were therefore committed to one family, who should be born and bred in the hereditary family discipline necessary to perpetuate them. But when the general corruption of mankind was remedied by the giving of the Holy Ghost, and when the parties would submit, as they must when converted to Christ, to his rules of matrimony, then the Levitical order was to cease and be changed, and pass back in part of its power to families ; and it appears to me a direct consequence of the change, that the Patriarchal rule of the primogeniture would immediately return to the Church of Jerusalem, together with the Tithe of the Melchizedec, and that the land therein would be charged with the Tithe, which would pass through the temple in its endowment in much the same way, that the Tithes in our laws pass from the crown power to the cathedral, and from thence to the clergy. First fruits and tenths are as old as the creation. They have ever been associated with the priesthood, the rights of the first born, and the state. The first born are themselves a primitiæ or the first fruits of our own species,



which God has assigned to his own service ; and the primitiæ were originally dedicated to their use in the offices of religion. The spolia opima, given to the Gods on victory, are traces of the universal use of these first fruits, and both these and the tithes have always been connected with the existing government.

As the doctrine of the atonement of Christ was confessed in the morning and evening sacrifice of the Patriarchal and Jewish churches, and was the first duty of the temple ; so the first duty of the converted temple would have been the confession of that great point of faith by the converted priesthood on the part of the state and the people. The Tithe was chiefly paid for this purpose. And this is the first duty of the bishop, and the cathedral clergy, whose chief office is the putting up morning and evening prayer for this great object, for this special service ; and for this public duty, for many ages the kings went in state officially to the cathedral.

Now if it be true that Jesus Christ received the Tithe paid by the Christian Jews in the temple, (and it is true, because St. Paul says it is,) it is equally so that Christ receives the Tithe of the other parts of the Christian Church, when they have been dedicated to him like the Jewish Tithe for state purposes. And we know from the fate of Ananias and Sapphira, that the Christian priest had the same power of receiving consecrated gifts as the Jews. In all Christian

states, therefore, the Tithe is a pledge that the whole land is held of God, through the crown power, for such purposes as it was made, and the Tithe is the acknowledgment that it is so held, and therefore it makes the holding of the whole land, through this tenth part, a consecrated right; and landed property is no longer a civil right only, the *Donum Deo* makes it a mixed right. This was the nature of the tenure in the holy land; and our law imitating these tenures, the sovereignty of the soil is not in the people only, but in the families that hold it, and in the Crown, the great trustee. The Clergy, as an estate of the realm, are the witnesses of it at the communion table at the coronation, and having been acknowledged as such, they are not free to change the conditions of their inauguration with the State; they are trustees for future generations as well as for the present. They are part of the State, and they were ordered by Christ to become so. It is expressed in the term *Melchizedec*; and when it is said that Christ is the High Priest after the order of *Melchizedec*, the Christian priesthood are that order of which He is the head, for the purpose of exercising power in human government for scriptural purposes, and part of that purpose exists by the holding of God's fee, and the Tithe. This holding creates a sacred right of property in Christian families, frees mankind from the insupportable tyranny of those who say that the sovereignty of the soil is in the people; makes the rights of the people grow out of



the rights of God, and secures and perfects them by uniting them ; for wherever there is the Tithe, there ought also to be a provision for the poor, and religious instruction, which are the rights of most value to them. And thus it is with the cathedral worship, through which at the coronation through the Crown the voice of the law, (which law arises from the will of God and the will of the people, formed into Christian families, which are the elements of nations, as we define nations,) the various spiritual bodies in connection with the cathedral provide for those spiritual services : and these provisions continued until the Pope by his usurpation and corruptions, and Henry the Eighth, and the Parliament at the Reformation, by breach of promise, prevented the further accomplishment of these spiritual purposes. The whole bent of St. Paul's Epistle to the Hebrews was to call the attention of the Hebrews, or the land-owners in Judæa, to the Melchizedec, as the receiver of tithes from Abraham, and he makes a comparison between the relative position of Melchizedec and Jesus Christ, as to the Jewish state in the particular circumstances of the reception of Tithe, which was the support of the State, and without which it could not be maintained. He does not compare their two natures, as some have supposed, but establishes the superiority of Melchizedec over Aaron, as being of the same order as Jesus Christ, and having in consequence a prior as well as a superior right to the Tithe.



This is the sense of the passage in the Hebrews, (that is, in the case of the priests descended from Aaron;) "And here men that die receive tithes; but there he receiveth them, of whom it is witnessed that he liveth." (Heb. vii. 8.) According to St. Paul therefore, all those paying tithes were to pay them into the Temple to the High Priest, the invisible Head of the order of Melchizedec, though in heaven; and in this sense St. Paul paid them, for he sacrificed, and he could not sacrifice without paying Tithe. This passage of St. Paul in the Hebrews explains the motives of his conduct, concerning which so much has been written; for we read in the Acts, that "the word of God increased, and the number of the disciples multiplied in Jerusalem greatly, and a great company of the Priests were obedient to the faith." (Acts vi. 7.)

Either, therefore, no regular conclusions can be drawn from words, and there is no rule in logic; or it must follow, that if our Lord sent his Apostles as God sent Him, and He was sent as the High Priest of the order of Melchizedec, that those sent by Him must be sent in this order also, otherwise they cannot be sent as He was sent. And as they were to begin at Jerusalem, St. Paul describes Christ as actually receiving Tithe in the exercise of that species of authority given to Melchizedec, that is, such temporal power on earth for spiritual purposes, such as the authorities at Jerusalem usually held; for although the powers

of the Melchizedec are little known, those of the Jewish state were well defined. The word Hebrews was generally applied to the landholders of Judæa; and if these could have been prevailed on to have transferred the payment of their Tithe to the Melchizedec from the Levitical order, it would in itself have amounted to a conversion of his countrymen; and on this account St. Paul dwelt so long on the history and the power of Melchizedec, and so repeatedly mentions the order of his priesthood, because in doing so, in fact he established the Christian priesthood precisely in the place of the Levitical order. By this he at once changed the ceremonial law; to use his own words, the Priesthood being changed, there is made of necessity also a change of the Law. The God of this world blinded the Jews, and they were insensible to the reasoning of St. Paul.

But the payment of Tithe was the very bond of the Jewish polity; all their religious and political pledges and obligations were invested in this payment; and this statement of St. Paul, though it only simply mentions our Saviour as the receiver of the Tithe, is in fact an establishment of a new and Christian polity at Jerusalem; for the principles of their government were recognised in that institution. It has often been advanced by those adverse to the union of the Church and State, that in the first ages of the Christian Church, Tithes, Endowments, and an association with political power, were



unknown. It was not in the nature of things that they could possibly be known amongst heathen nations; the Christian faith must be built upon free-will and a voluntary covenant. But no nation but the Jews were in covenant with God, and a national contract could only be found by beginning with individuals and families, until the whole or the major part of the community, (for a majority, with the Law of God on its side, or one without it, is very different,) being converted, the Christian nation is formed by free compact, like that of the individual; but it is well known that during the Apostolic ages, and for nearly the first three centuries, the Christian converts were chiefly of the lower and middle orders; and as soon as public opinion declared in its favour, an opinion expressed chiefly in the armies, the religion ascended under Constantine the Great the seat of power. But at Jerusalem, where it might have been morally possible through a pre-existent covenant, St. Paul has established a national Church by these explanations on the order of Melchizedec; and this national mode of establishing the Christian religion was ordered to be taught before the Gentiles should be preached to and converted. But this preference may be remarked in most of the institutions of our Lord in his native land; the Sacrament of the Last Supper was celebrated as a national institution, before it was taken by individuals in a private form; for the Passover, the first Communion, was a political feast,

and although generally eaten by the heads of families, Christ left his own family circle, and eat the Passover with the twelve Apostles, who then represented, as on all other occasions, the twelve Tribes of Israel. Baptism with the Jews was a national institution: their forefathers having according to their opinions been all baptized in their passage through the Red Sea. With a sublimity of conception worthy a nation of prophets, they refused ever to repeat the ceremony of baptism on their own children, lest the memory of this tremendous baptism should be obliterated; but they baptized the children of strangers, if they entered their system of government.

The characteristic of Christian baptism is, the effusion of the Holy Spirit. But this almighty accession to human nature was given on a national festival, that of Pentecost, when the nation was assembled to recognise the power of whom they held their lands, and to pay him fruits as homage for the holding, together with the Tithe. Thus in Judæa, where alone an establishment could take place, the leading outlines were distinctly traced as soon as it was possible; and in the prophecies of Ezekiel and all the Prophets, and also in the Revelations, the political form of the Christian Jewish Church is distinctly sketched out. There is no mention made indeed of Tithe, but there is the same species of property created which is mentioned in our old law writers, and statutes, and



from which indeed they derived their notions of God's fee or property, and of the Tithe or gift to him. "The oblation that ye shall offer unto the Lord, shall be of 25,000 reeds in length, and of 10,000 in breadth, and for them, even for the Priests, shall be this holy oblation. And this oblation of the land that is offered shall be unto them a thing most holy by the border of the Levites<sup>a</sup>. And they shall not sell of it, neither shall they exchange, nor alienate the firstfruits of the land: for it is holy unto the Lord." (Ezek. xlvi. 9, 10, 12, 14.)

This is a commuted Tithe, and these are the constitutions of the holy land, when the Jews shall become Christians; and it is from authority taken from these passages in St. Paul, respecting the Melchizedec, and from similar notices in Ezekiel, that the idea of God's fee or property, and the Tithe or the gift to Him, have been adopted in most Christian nations. Consecrated property has always been particularly distinguished in our own country; a remark that has frequently been made by Selden and other writers that treat of these subjects; indeed there is the highest probability that it was recognised in the ancient British Churches anterior to the time of Constantine the Great.

Though Selden places the Tithe on a wrong

<sup>a</sup>The Levites were Lawyers and Judges like our House of Peers, and in this sense the word is here used, not as the Ministers of the Ceremonial Law, which St. Paul and all the Apostles have declared extinct.

foundation, he admits a consecrated right, and he is very decisive as to the dangers of desecration.

Tithes therefore have been transferred from the Levitical priesthood to the order of Melchizedec, and they are inherent in it. The Tithe was re-established in the holy land, because there it had been always given and received from the time of Abraham as a consecrated property; and as soon as the nations of Christendom together with their governments thought proper to adopt it, it became fixed in those kingdoms as it had been fixed in the holy land. The right inherent in the order of Melchizedec developed itself as soon as the Title to it was made good, which I admit could not be complete until it came as a gift in the first instance from the state and the people. And this was the case both with the Patriarchal and the Levitical Tithe, *which was a gift originally*, and subsequently accepted and claimed as a right. A general permission to his disciples to receive property was conceded by Christ in the words, "Ye shall receive houses and land, together with persecutions." And this declaration would have been sufficient authority to the Church for the acceptance of Tithe, and also for its sustaining the several inconveniences which it is foretold the possession of landed property should bring with it. But the Tithe is a special and peculiar gift, in its nature a political endowment. It is a provision for the State Priest. It is the vehicle by which the Priest having the use of them carries the rights of



God into the government, and through its instrumentality conveys clear ideas of the rights of man, and secures them also by the principle of consecration, which the Tithe carries into the spirit of legislation and the law. Such political effects as the Tithe which St. Paul tells us the Great High Priest, who receives them in heaven, would have carried into the State of Jerusalem, such and the same were the effects the Tithe was meant to convey into the States of Christendom. Such purposes as they would have been applied to amongst the Christian Jews, to such and similar and parallel purposes they have been applied by the Church. Let us observe, and we shall then see that we are removing these foundations of our polity precisely in an age in which the public mind requires to be restrained by them; and, in fact, that all our political troubles arise from mistaking them. Ideas of Christian government rose slowly and gradually in the minds of men; the Church had no property until the time of Constantine the Great, when endowments both public and private were permitted by law; first fruits and tenths were for some generations presented in the Christian Churches before they were established by law, and as they were paid legally, the Clergy became a political body. There is no doubt but that under Aurelius Ambrosius, Vortigern and the celebrated Arthur, the Bishops formed an Estate of the Realm: even then the distinction of the Lords Spiritual and Temporal was established. In Ethelbert's reign, under the Anglo-



Saxon dynasties, the Bishops were placed in the State so early as the beginning of the seventh century, when the distinction of God's fee or property was first established, and the Bishops and Monastic bodies held their land in Frank Almoigne and Divinum Servitium. But these gifts were not altogether the same with the Melchizedec. Nor is it an easy task to define the rights and duties resulting from the adoption of Tithes, in the sense in which St. Paul says, Heb. vii. 8. "But there he receiveth them, of whom it is said, that he liveth." For there is scarcely a great question in theology, politics, or ethics, which this gift does not touch upon; it settles all the relations between God and man, and is the basis of that peculiar law of nature and nations, which has been disturbed of late. Alfred, the first monarch who was crowned with the Tithes inherent in the Crown, appears to have been fully sensible of the important obligations undertaken by those who gave the Tithe; and to prove this understanding of that great monarch on this head, I have quoted largely from the laws, the commandments, and such branches of the Jewish polity, as he thought would have obtained at converted Jerusalem, and which he and his parliament have worked into their laws; neither the Pope or Rome are even mentioned in this code; but the power of the Melchizedec is established in the sense in which St. Paul uses it in the Hebrews. That apostle perpetually recurs to the position of Abraham and Melchizedec with regard to each other. And he endeavours

to establish precisely the same relations between the holder of the Jewish Tithe and the invisible Melchizedec, whose order he has declared to be established in the room of the Levitical. The passage in the seventh chapter of the Hebrews is somewhat obscure, as the word Melchizedec is used in two senses. I have added the chapter in the notes, that it may be consulted.

The words Melchizedec and Salem are used first as the name of a person who in the fourth verse is called a man, and Salem is used as the name of the place, subsequently called Jeru-Salem, or they shall see peace from the corporeal presence of Christ, the Prince of peace. But the words repeated in the second verse describe and define the office and authority or order of the personal Melchizedec, to which Abraham gave the tenth of all, being a king of righteousness in the sense in which the righteousness of God is always understood. And after that King of Salem, or King of peace, which was a second title of the office, as is clear from the words, "and after that King of peace," that is, of the peace of God, by which is meant an authority recognising the doctrine of the Atonement, which alone provides the peace of God. The words Melchizedec and Salem are used first for the name of a particular person and place, and secondly, for the titles of a particular species of kingly office, or supreme authority: and in this sense, the word king, and the original βασιλεὺς, is used in the Revelations, chap. xi. ver. 15. the



salutation from Jesus Christ, "the Prince of the kings of the earth, who hath made us kings and priests unto God ;" by which we are to understand, not that kings are to be priests, or priests kings, but that supreme power was to be in the hands of the Church ; or, in other words, it foretels the union of the Church and State ; and the terms, the prince of the kings of the earth, is to the Grecian Churches of the same import, as Christ the High Priest after the order of Melchizedec is to the Christian Church at Jerusalem. The words in the 3d verse of chap. vii. speak of the order of Melchizedec, of which Christ is the Head, and which is the same as the Christian priesthood, which beginning from the appointment of Christ, is continued without father or mother, that is, by Apostolic succession and Episcopal ordination, in contradistinction to the Patriarchal and Levitical priesthood, in both of which family descent was necessary. As the priesthood originated from the Divinity of Christ, who was the Lamb slain before the foundation of the world, it had neither beginning of days, neither had the priesthood end of life, because it is to continue like its eternal Head for ever ; therefore in this property the priesthood is made like unto the Son of God, " who abideth a Priest continually ;" for this is the idiom, as Pool, in his Synopsis on the passage, has clearly shown. And the expression, Son of God, is used as to the human nature, for the Christian priesthood will have no end of days, as the Son of God will

continue the Priest united to the manhood for ever.

St. Paul then proceeds to state the greatness of the character of Melchizedec, who received the same tithes that Christ the Head of the order continued to receive ; and on stating the occasion on which Abraham paid them, and other similar occasions on which those who paid them delivered their country from the yoke of idolaters and foreigners ; he plainly informs us, that their conversion to the Christian faith, or the paying Tithe to the Melchizedec in Heaven, would effect their delivery from the yoke of idolaters and foreigners also, that is, from the Roman yoke. The power of the Melchizedec relates entirely to Christ's government on earth, as the power of the real Melchizedec, who was simply a man, must of course have done ; and St. Paul would not have so amply stated the nature and circumstances of Melchizedec, if he had not intended to have renewed another priesthood after the similitude of Melchizedec, (ver. 13. chap. vii.) for similar purposes. For whilst the discourse relates to Melchizedec, that view of the Church which concerns its government on earth is alone considered. St. Paul in pointing out to the Hebrews the great characteristics of the high priest of that order, of which Christ is the head, has fully explained the meaning of the allegory concealed under the annual ceremony of the entrance of the high priest into the holy of holies, (chap. ix. ver. 7.) also the particular difference between Christ and all other



high priests, that whereas they offered sacrifices, Christ offered Himself as his sacrifice, and therefore no other ever could be made. This interpretation of the types, which does not appear ever to have been made before, is a sufficient proof of the inspiration of the Epistle to the Hebrews ; so that if it had been found in a desert without a name, its contents would have proved its inspired origin. Yet its great object was to prove that there was still an High Priest over the house of God, (chap. x. ver. 21.) and to prevent the breaking up of their national polity, and in this spirit he says, " He that despised Moses' law died without mercy ; of how much sorer punishment suppose ye shall he be thought worthy, who hath trodden under foot the Son of God ?" (chap. x. 29.) pointing out as our Saviour had before the terrible temporal judgment which would attend on their national apostasy, and urging the necessity of their paying their Tithe to the great Melchizedec in Heaven, which would have been a public confession of their being Christians ; and being aware how much courage and faith such an act would require, he rouses their patriotism by enumerating the long train of Jewish heroes, who had by their faith saved their country. (chap. xi. 32.)

No one can suppose the meeting of Abraham and Melchizedec the effect of chance. Abraham was the head of his family, and held the rights of primogeniture ; he had faith in the government of Melchizedec, he had secured supernatural protection, and he

paid homage in the Tithe for the land, for he had succeeded in preserving both the land and himself from plunder. And such being the object of the payment of it, St. Paul calls the attention of the land owners in Judæa so earnestly to all the circumstances of Abraham and Melchizedec, who rescued the holy land from the incursion of idolaters, like the Romans.

In France the Tithe was attached by law under Charles Martel, having some time previously existed as a free donation, and they appear under Offa, king of Mercia, as a legal endowment, after having passed through a similar stage of free offering. But the general grant of them took place under Ethelwolph. It was made throughout the whole Saxon empire in 844, and Alfred was the first monarch of England who was crowned when they were inherent in the Crown, and the support of the Tithe, and all the duties imposed by them, became and have been ever since an essential part of the obligations contracted at the coronation, and sworn to at the communion table.

There is no period in our history, or in truth in any other, in which the self-existing powers of the Crown have been so established; by which I mean, the power inherent in a great government of establishing a fallen empire, which the people themselves, excepting under the command of such characters, could never effect. The invincible energies which Alfred displayed were chiefly to be attributed to the



religious opinions he had with respect to the union of the Church and State, and his particular position in it as the holder of a crown by the consent of the government and the people, in which the tithe attached to the order of Melchizedec was inherent ; and that Alfred held these opinions is clear both from his laws, his works, and his heroic actions.

The abilities displayed by Alfred in every department of government, no less than his wonderful exertions as a commander, renders his reign a memorable one in our history, and the establishment of the Tithe forms a remarkable feature in it.

The terms in which the gift is mentioned explain the sense in which it was given. The maintenance of the priest was not the only object in view. It was given to the honour and glory of God, and was paid as homage to him, and as tribute in part acknowledging that the whole soil was his, and the duties which the lords of the soil owed to him. The views and the language already used concerning it in the Scriptures were adopted, and the same duties implied; they were given and received by the priesthood as members of the state and sharers in the legislature, who were received not only as a public but as a political body; they were made an estate of the realm, mutually giving and receiving powers; and this position essentially attached to the Tithe, and is inherent in them. They were given to God in the real sense of the word, and kept as such as a

distinct property as his fee. The land being divided into the spiritual and temporal holdings, a separate taxation and existence was allowed, a privilege deemed necessary to preserve the divine right. From the age of Alfred (since which the order of the coronations have been uninterrupted) the title to the Tithe has been undisturbed until the passing of the forced Commutation Act. Thus a new and sacred title derived through the Tithe was created in landed property ; and inheritances, which before were vague and uncertain, became based upon a religious principle. At the coronation, the whole area of the land made subject to Tithe is typically laid on the communion table, by the joined authorities of the Church and State, and invested in the Crown, and is issued over to the land-owners, the Thanes, the Barons, and the Freemen, subject to the duties imposed by the Christian religion, that religion is part of the contract. Homage is then made for the land by all those holding power in the State. Originally the military feud was only a lifehold, or descended in a very irregular succession. But the spiritual tenures gradually brought with them the introduction of the Patriarchal feud, and estates regularly descended in Christian families by freeholds passing to the eldest son, and the family right superseded the rights of the sword. It may be found that the right of primogeniture rose gradually in our law subsequently to the tithe institutions, which



have always existed together ; the laws of Honel Dwa were published about 40 years after the time of Alfred. And they prove this in this clause. " The ecclesiastical law says that no man can succeed to his father's estate except the eldest who is born in wedlock ; the laws of Honel assign it to the youngest as well as the eldest, and enacts that neither crime nor law can operate to the injury of the son respecting the paternal estate."

Historians and Lawyers have fallen into a great mistake in confounding two distinct kinds of primogeniture ; they consider the adoption of the rights of the eldest son as arising solely from the desire of the sovereign to avail himself of the service of his feudal tenant in the field, but this cannot be the true cause of the introduction of the eldest son. This right of representation, as it is styled in the law, is often incompatible with that object, and never could have been occasioned by it, as in the case of an eldest son who dies leaving an eldest son a child ; that child could not be useful to his lord in the field, and by the military heirship the estate would have gone to the uncle, as the nearer to the founder of the fee. But there are two distinct rules of primogeniture. The one of which there are traces as early as the time of Tacitus and which was brought here by the Saxons, and the rights of it regarded personal property. The other, our present rule of succession,

regards the founder of the fee as the head of the family receiving the grant, and the succession passes from him to the eldest son, the eldest branch alone representing him to whom privileges on certain conditions were granted; this is the Patriarchal and Jewish primogeniture, and is very different from the other; and this rule of succession did not become a fixed rule in law, although it is occasionally met with, until the military services were all commuted for money, and no personal service was rendered; so that regard to that kind of service could not have taken place both on account of the order of events, as well as of the order of nature. The personal services did not exist when the rights of primogeniture were first introduced systematically into law, and the infant eldest son could not have performed them.

The one is the primogeniture of the military retainer, was dependent on military prowess and strength, and may be traced as a custom even before any settlement was made on the land. The other is the primogeniture of the Bible, and was associated with religion; the introduction of this tenure was gradual, and it arose by substitution for the other as the irregularity and violence of the barbarian ages ceased; the more general observation of the Christian faith was the chief cause of its rise; the introduction of the family name in addition to the single name of persons pre-



ceded the change; family names were scarcely known before the Conquest. In the reign of John, the reproaches cast on that monarch on account of the usurpation of the rights of the sons of his elder brother declare what the law of opinion then was. The law did not emanate from the spiritual powers only, but from the common law also, which has always decided on the rules of succession, leaving only to the Curia Christianitatis the decision as to legitimacy. Had the service in the field been the sole object, the uncle would have had the prior right to the infant grandson of the founder of the fee, and King John need not have murdered his nephews; but there are two species of feuds struggling with each other in history, the military, and the patriarchal; the latter gained the ascendancy in law; the laws of Honel Dwa, which were made during the time of both, explain the real cause of our law of descent, and the feeling which created the eldest son, and show that the law of primogeniture was connected with the Tithe. Henry the Second commuted personal service into scutage, or a sum of money for each shield the lord of the fee should be bound by tenure to produce; and this was the reign in which the right of primogeniture became fully established; that is, if the theory of the feudalists be true, primogeniture, which they say was introduced on account of the military service, became general at the very time when that service ceased. Reeves

says, the descent of crowns kept pace with the descent of private feuds, and the wars of the white and red roses established the privileges of the eldest son in the descent.

England owes therefore the right of primogeniture to the law of God and public opinion founded on that law, and on this principle the law has adopted it, and with it the law makes the right of property a sacred right, substituting it for that of the sword ; and thus avoiding the curse, that “ He that takes the sword shall perish by the sword ;” for in reason, the title established by the sword must perish by the sword, unless some better title is gained. But can this consecrated right be maintained when the Tithe is desecrated ? will not the desecration loosen the ties of men’s opinions upon landed right, when thus separated from the spiritual tenure that occasioned them, and will not some dangerous popular delusion occupy its place ?

Alfred formed a register of all the lands of England, which was called the Winchester Book, from its being kept in the Cathedral of Winchester, then the capital of the kingdom, as the present *Domus Dei* Book made by William the Conqueror, is still kept in Westminster Abbey ; then as it is now the seat of law and government as well as of religion, and the residence of the Sovereign. But these measures were imitations of the survey of Charlemagne, as that Monarch was an imitator



of Constantine the Great. In this *Domus Dei* Book all lands issued from the Crown as Crown Grants; and the same principle of Monarchical polity pervaded the old Welch laws published by Honel Dwa shortly after Alfred's reign. So that it could never have been politically possible that any lands in England or Wales (and the same principle was carried over Scotland also) should not have issued from the Crown as the primary title. In these early times a system of Monarchical feuds existed without what has been since called the burthen of feuds, the arbitrary services, and the long-train of subinfeudations, which rendered the Norman feuds so burthensome: the chief cause of these burthens arise from the Conqueror's possession of Normandy and his wish to make his Saxon thanes serve abroad. The jealousies and revolts arose from these burthensome services, which were substituted for the simple *Trinoda Necessitas* of the Saxons. But the Saxons had their *boc* land, or land held by charter of the sovereign, which was the same as the tenure in capite of the Conqueror; and the terms of Athelwulph's grant of the Tithe are recorded, that the *bocade* or booked that gift making it *boc* land, or land held immediately of the Crown, so that the Tithes are freehold tenants in capite. Neither at this period or at any other period did the term freehold or *boc* land mean that a freeholder was at liberty to hold any opinion he



might think proper, have any or no government at his pleasure, or choose any religion or any sovereign most agreeable to him.

They were conditional freeholds or limited feuds, being mixed tenures, but religious obligations were an essential part of them; and long before the age of Alfred the whole area of the land was charged with a rent charge for the support of the Church, originally called *primitiæ*, and which is now our Church Rate. It was also called *Consuetudo Regni*, a name which also was given to the *Trinoda Necessitas*, to which this *Consuetudo Regni* or *Cyric Sed* was an appendage. It is the Godis fee mentioned in the Laws of Ethelbert, A.D. 606, and it is identified with it by the twelve-fold fine attached to it in the Laws of Ina, A.D. 712, in which it is called *Cyric Scot*. It is repeatedly mentioned in *Doms day* both by that name and *primitiæ*, by which name it is at present known in Doctors' Commons, and in the common law courts by the terms *Consuetudo Regni* and Church Rate. Alfred's Laws mention the Tithe under the title *Teothan Scattas*, or tenth portions, and the Church Rate is called *Frum Ripan*, or first fruits. From his reign both these charges have remained on the whole area of England; they had both originally the same divisions and offices, one part being appropriated to the repairs of the Church and its service, the second to the Bishops, the third to the Priest, and the fourth to the poor; the Tithe

on its institution had precisely the same appropriations assigned it. But neither were ever considered sufficient for the maintenance of the poor, and therefore lands to an immense extent were given in Frank-Almoigne and Divinum Servitium in aid of it; but both these rent charges were considered as God's Fee, both were in part dedicated to the maintenance of the poor. The Church Rate was set apart for the maintenance of the body of the church and the service through the Parishioners. The Tithe for the repair of the chancel through the *Persona Ecclesiæ*. The other services of the *primitiæ* or grant *De Meliori* were dropped, owing to the gifts in Divinum Servitium and Frank-Almoigne, and the institution of the Monasteries; then the tithes were paid first to the Bishops, and on their endowments with lands, ultimately to the Church. But since the age of Alfred, first fruits and tenths are considered by law as God's Fee, not the fee or property of the nation; they imply the obligation of maintaining church and poor as the universal law of the land; and this dedication of the tenth part to God for these purposes makes the Deity a party to the contract, and the title to landed property a sacred not a civil compact only. The investiture of the crown at the coronations, which has existed without intermission from Alfred, and the passage of all lands through the Crown to the holders, creates a peculiar species of title whilst these obligations



remain on them, and an Act of Parliament cannot touch these grants, which are the origin of all property. The oldest laws in Europe are those of Ethelbert; the first word in them is God's Fee or property. Ethelbert called himself the Britwealda or ruler of Britain, not of the Saxon race alone; and he borrowed this term of God's Fee from the remains of the old British endowments, which had existed here from the time of Constantine the Great. Legislation is no easy task, and the Anglo-Saxons found it very convenient to take many of the laws and customs existing in the land before their arrival; and this appears in their taking the customs of gavel kind, which was British, together with the lands of Kent, and many of the churches in their conversion were rebuilt and restored with their ancient privileges. Many parts of the Saxon feudal system that relates to the Church may be called Brito-Anglican, for it formed part of that public polity prevailing here during the fifth century, after the secession of the Romans: Baptism was necessary to the holding of these grants, and it is probable that no will could be made unless it was the will of a Christian. For the thane or lord of the manor being the founder of the church, and having his court, the will was either proved before him in his court, or in the county court, in which the Bishop sat with the Alderman and Sheriff. Thus the holders of the crown grants were born, baptized, and married in

the Church, were pledged to swear on the Gospels, to be sworn on juries, and the whole business of the State, executive, judicial, and legislative, was reposed in them, as they composed the manor, the hundred, the county court, or the Witenagemote or court of parliament. In the Saxon era part of this land might be disposable by will, and part was entailed; but subsequently to the Conquest no freehold property could pass by will until the reign of Henry the Seventh. During the Saxon era, not one town in the empire was law worthy, or had the privileges of freedom; the only members of parliament except the thanes were the lithes men or harbour men, who most probably were the Barons of the Cinque Ports, who have now and always have had a most distinguished place at the coronations. This institution was originally Roman, and the Cinque Ports have to this day the Roman arms or insignia, as is the case with many ancient cities. Thus in this mixed feud of Church and State, the same men held their land under one crown power, formed according to law and popular consent at the coronation; they maintained church and poor, administered justice, preserved the peace in the frank pledge, composed the militia, formed and consulted under the same lord, and met together in the same parish church. All these strong but various parts of contact bound together the original proprietors of the soil; and I can trace in these holdings no signs of the maxim, that all



power springs from the people : when, I say, that nearly all the inhabitants of the towns were in a servile state, I do not speak of this condition as either a just or a desirable state, but it is historically true, and it is an act of kindness to undeceive the people as to their imaginary omnipotence, and to tell them that contention, war, and neglect of duty, were the primary causes of this unhappy subjection ; and that an exaggerated view of their own powers will convulse society, and surely in the long chain of causes terminate in an extremity of want, that will reproduce (especially in an over-peopled state) the same dependence and subjection. Until the conversion of the Saxons, all the lower and the greater part of the middle classes existed in different degrees of slavery. Since Religion has been united with the State, until the passing of the Anti-Christian Poor Law Bill, the poor and the lower classes have been gradually gaining further privileges, which they have since that Act, and the attempts to separate Church and State, been in danger of losing. But previous to the introduction of the Christian religion, the poor had neither rights, nor the protection of equal laws ; for in the first stages of the Anglo-Saxon feud, the military law was the most powerful. Society can scarcely be said to have existed beyond the camp, and there seems to have been no principle of union in those times stronger than the power of the sword,

a power which lost a great part of its hold over the minds of men almost as soon as an enemy ceased to be in the field. Of this defect the great characters who presided over governments in those ages were very sensible, and all their laws convey to us their strong desire to create some other principle of social contact at once permanent and peaceful, and their policy is shown in all the enactments from Ethelwulph in 606, to the Norman Conquest.

In those ages none but the Clergy could conduct the business of government *nullus Clericus nisi causidicus*. It must follow from these circumstances, that the Christian religion became still more closely interwoven with the laws, and the Clergy who made them, and executed them in part, were the chief legislators. Their property, and especially the Tithe, was held by them as an estate of the Realm, neither as private or public property only, but as possessions, giving them rank as sharers in the power of the State, both legislative and judicial. From the beginning to the very end of our history, the tenures of land have been divided into spiritual and temporal; the lords spiritual and temporal are named in every record, by which terms we are to understand not only the spiritual lords of parliament and the mitred abbots, but the numerous ecclesiastics who held lands of the Crown, and of inferior lords by a distinct title; and these titles gave them a right to separate taxation, which became



the political mark that they were a distinct and original power in the State. In the earliest part of our history there were few taxes<sup>a</sup>; the State was supported by personal service, rent charges, and fines. Henry the First laid a tax on every church, and compelled the incumbent to pay it; from that reign the Clergy gave their aids separately until the reign of Edward the First, who formed the spiritual estates into two Houses under the Archbishops, in imitation of the two Houses of Parliament under the King. Thus keeping the tenures of the temporal and spiritual lands, and the power of taxation, which was a consequence of this distinction independent of each other; and thus these bodies became an ecclesiastical parliament, to make laws and to tax the possessions of the Church. And such had been the arrangement even from the earliest Saxon times, in which the great men of the State and the Clergy conjointly made laws for the outward peace and government of the Church.

But as still great jealousies existed between the Crown and the Clergy, as to the nature of the authority that summoned them, and as the spiritual estates would not allow that they owed their origin to the temporal power, the Convocation was directly summoned both by the Crown and also by the Archbishop; and hence each Bishop summoned the Clergy of his own province; and consequently they meet now as two distinct provincial Convoca-

<sup>a</sup> I quote from Burns' Eccl. Law.

tions under the Archbishops of York and Canterbury. They are an essential part of Parliament, and they always meet, although they do not transact business; and these parliamentary Convocations have been summoned even without the authority of the King's writ, which forms only one cause of their meeting. The Clergy continued to meet and tax themselves in Convocation until the 13th of Charles the Second, when they gave their last subsidy; and in the year 1664, Archbishop Sheldon, by a private agreement with Lord Chancellor Clarendon and the King's Ministers, allowed that the Clergy should silently waive their privilege of taxing themselves, and permit themselves to be included in the money bills prepared by the temporal Commons. But this private agreement neither then or at any time has been construed into a remuneration of that right which has been co-existent with the acknowledgment of the Clergy as an estate of the realm, and that acknowledgment precedes almost every other public act. But this right of taxation is of itself the consequence of another far more important and ancient right, the holding of lands by an original and independent spiritual tenure, as their freeholds of which they have the *Dominium Utile*, and God the *Dominium Rectum*; and in this understanding they do homage for them to the Crown, and it is upon the condition of keeping the covenant of the homage that the whole and sole power of the Crown over the Church



consists. The whole of the Tithe was originally in the Bishops and their cathedral, and passed from them to the parochial Clergy and their churches, who still pay their cathedratium to their Bishop as their homage, when he comes to his Visitations. Thus Tithe is a property, connecting by its several links the King, the Bishop, and the cathedral bodies. The parochial clergy, the greater and lesser barons, and the freeholder, through the Advowsons. The spoliation and captivity of the cathedrals under the Church Revenue Bill has wonderfully deranged the homage on the part of the Deans and Chapters, and the forced commutation of Tithe will entirely destroy the relation existing between the Crown and the Clergy as tenants in capite, in respect of their spiritual freeholds; for so completely is Tithe a freehold, that it exists by law even in copyholds. The whole of my parish is copyhold of inheritance under the lord of the manor, who was originally the Bishop of Lincoln, then residing at Dorchester; yet my title is freehold.

Homage and fealty are reciprocal acts and duties, and they are duties also that cannot be transferred, but are personal; and the peculiarity of the spiritual tenures was always marked; for Bishops consecrated could not do homage to the King, although they held their bishoprics as baronies, but only fealty, and this they performed with an oath. But it was usual for Bishops elect to do homage before consecration. (Burns, vol. ii. p. 225. See Clause Com. Bill; Const. Clarendon, vol. i. p. 77, 78.)

No right therefore is more ancient, uninterrupted, and indisputable, than the right of the Clergy to be considered an estate of the realm or part of the Parliament assembled in it, by virtue of their spiritual freeholds, of which their tithe is the chief; and because tithe is a political institution, it must appear a measure of great injustice and ill treatment, that a law which concerns them so nearly, and which may tend to the very extinction of the freeholds which give them the right to sit in Parliament, should be passed without the slightest communication of any kind with them, although they are already assembled, and want only the permission of the Crown to deliberate. And it is most unjust and ungenerous, that because, for the sake of public convenience, they have waived their right of taxing themselves, that therefore their whole property, in virtue of which they tax themselves, should be changed by compulsion, without consultation with them.

It cannot be denied, that the Convocation is still part of Parliament; their right is recorded in a vote of the House of Commons since the reforming Act. Is it to be kept for mere mockery and ostentation, or to accustom the people to see one part of the Parliament make laws without the other; and to put us in mind of those unfortunate times, when the Peers made laws without the Bishops, until the Commons followed their example, and made them in turn without the Peers, and in the end the Constitution was left even without the Crown power? and their mutual usurpation ended in the despotism of a



military Puritan. Our Constitution is a beautiful balance, and those who disturb that balance will be sure ultimately to suffer for it. The country is ruled more by opinion now than in former times, and through means of the press that continues to increase to a degree that may be unlimited. If the Convocation only met to express an opinion, and enter protest, and petition the Crown on matters relating to the finance of the Church, and those laws in which politics and religion are blended, the Convocation would be found a most useful power to remedy the evils introduced by the Reform Bill, and to create a connection between the new House of Commons, the Peers, and the ancient Aristocracy. I do not mean to speak of the introduction of a larger constituency into the Commons as an evil; on the contrary, such an introduction was a great improvement, and one loudly and very constitutionally called for. But I regret that those persons who conducted that reformation, should have been bold, presumptuous men, utterly ignorant of the Constitution, and who introduced an American or French polity into Great Britain; for our present House of Commons is like our former assemblies only in name, and never will perhaps work cordially with the House of Peers. Originally there was no House of Commons; and when it first rose into existence, it consisted of the lesser lords of manor, whom the Upper House could not contain: of freeholders bound to them by the feudal covenant, of deputies



from cities and burghs, corporations existing under the Crown, an earl, or a bishop ; every part of the House was bound together by some sympathetic political tie. It was an house of privilege, as well as of the people. It was a mixed house, and a mixed constitution. The privileges pervaded the whole monarchy, and every branch of the government, consequently it worked well together, all moved on the same principle. This order of things no longer exists ; the present House of Commons is a perfect democracy, and may become a republican body. The House of Lords remains as it was, and must remain so, if the laws, the property, and the Crown of Great Britain, and the episcopal Clergy, are to be as they have ever been. Though it is quite hopeless to change the character of the House of Commons, the Convocation may check its licentious tendencies, and its mere protests would preserve a balance. I will take as an instance of this, the late grants for education by the House of Commons. No point is clearer than that the law and the state recognise the right of the Clergy to educate the people, and it would have been great injustice to have taxed them in order to teach principles contrary to their conscience. As they have the right of taxing themselves, they ought to have the liberty of petitioning the Crown, and entering their protests against such grants. Again, we have occasionally some very extraordinary threats in the House of Commons respecting the stoppage

of the supplies, but that House has not and never had that power. It has the undoubted prerogative of withholding all new supplies and taxes for foreign wars and consumption; but to support the home government and to do suit and service in court are incidents of their socage tenures. Taxes are only substitutes for rent charges and payments commuted for them; and the Commons are bound on forfeiture of their estates to furnish the sums for which all their different services, scutages, and rent charges have been commuted. If the Lay Commons should mutiny on these matters at any time, the Convocation might protest against the representatives of the spiritual tenures being obliged to join them, and thus turn public opinion against them. So far were the Commons from being independent in their supplies, that the first commutation taxes were paid into the hands of the lords of manors; and hence it is that an appropriation clause is necessary in every Session to allow the public money to be generally disposed of.

The Convocation would dispel those exaggerated notions that sometimes disturb the senses of the House of Commons, that they represent all the people of England: they do not represent the Clergy. It is impossible that they should; they do not represent many other classes; they do not represent even all the commons: they are not deputed by those who have no property, nor those who receive parish relief, nor the classes of menial servants who have not sufficient property: and these are very nume-



rous, and very valuable classes of the community. If universal suffrage were introduced, still the House would not represent the nation ; but as its proceedings would be determined by a majority, in a very few Parliaments after the introduction of universal suffrage, there would be two distinct parties perpetually opposed to each other, those who had property, and those who had not ; and every public good would be sacrificed to the ascendancy of one of these parties, and very often the public business would stand still ; these majorities, on whatever side they might be, might represent one party, but never the whole people of England. The House of Commons, in styling themselves the representatives of the people of England, have usurped a name they never had or can claim ; they are really the representatives of many numerous and respectable classes, and they are a most powerful body of men, but this makes them not all-powerful, nor justifies them in using the language in which they often indulge, nor in disposing of the property of the Clergy without consulting them. The Clergy will not sanction the vote by ballot. The legislature is formed for the protection of the lives and properties of those who live under the State, and every man has a right to know what are the opinions of those around him, in order that he may know where and to whom to go for this protection ; but the concealment of the ballot prevents this knowledge. Every movement of the government, and those forming the government,



ought to be as open as the day, that men may know who they are to trust with their lives and properties, or upon whom in the hour of trial they can depend. How can these things be known under the ballot? Personal confidence, the most natural branch of confidence, cannot be known; something but not much may be said why a dependent man might be allowed to conceal his vote. But it is contrary to all reason, and justice, and religion, that a man should be by law compelled to vote by a secret ballot, when he thinks that a public vote is necessary to the security of his life, his property, his friendship, his character, or his promise; those who in this case would compel concealment, betray motives that require concealment; and an honest purpose seeks the day, and public notice is the best guardian of public business; the strong ties of religion will never sanction the concealment of the ballot, nor the frauds, the treacheries, nor the mysteries that must ever belong to it. Corruptions in the open mode of election there are almost innumerable, but none equal either in magnitude or number to those of the ballot, in which from its concealment the knave will always gain an advantage over an honest man.

There is no measure which would be eventually a greater national calamity than the repeal of the corn laws. Whilst the Clergy possess the Tithe as a free independent property, and remain a component part of Parliament, they would pos-

sess an influence which would prevent the famine and derangement of classes which would follow on the introduction of foreign corn without restraint. Both self-interest and a sense of duty would lead them to a perpetual opposition to this repeal, which is very likely to be pressed by a very powerful party, whom it will not be easy to withstand. If the Americans or other foreigners were to say to our merchants and manufacturers, We will trade with you to any extent, but in return you must take our flour, many would accept the bribe, notwithstanding the ultimate ruin and loss of independence which the kingdom would experience; and the corn jobbers and rail road capitalists would join in the petitions for repeal, for the profit of selling and carrying the corn throughout the country. It is the duty of the Clergy to check these selfish speculations of covetousness, and to argue down the delusions which spread over the public mind, and to expose the enormous sin of letting our own ground become barren, and many millions of men left exposed to starvation. It is then their charge, as an estate of the realm maintained by the Tithe, to speak of agriculture as a religious duty, to instil into the principles of national education the great truth, that "the Lord God sent man forth to till the ground," and to expose the character of that covetousness which clamours for these measures, as that covetousness which is truly idolatry, that makes money its God, and in it



unfeeling course to accumulate it, shuts the eye to every consequence, and the heart to every human feeling existing in man's local attachment, and which absorbs all love of country in the floating speculations of unbounded and unfixed capital. Combinations of great capitalists, unless checked from some quarter, will become the curse of our country, and will fix all her best interests bound to a long chain of foreign speculations, that virtually will enslave her. Against such tyranny, the independent tithe-holder must always, from interest and principle, defend both himself, and the remaining nine-tenths of the country.

The Convocation would be sure to oppose universal suffrage equally with the ballot. A man does not exist merely because he breathes, but because he eats, and the State has a right to enquire whether he can or has produced what he must eat before he is to be trusted with the power of making laws for those who have already produced these proofs. Now property is the representative of that productive power of industry, and it is a branch of religion to teach, that if a man will not work, neither let him eat; that until he can produce to the State certain proofs either of having himself worked, or his possession of the work of others, that he is not to be trusted with the making of laws for those who have many proofs of this kind in their property. It is not sufficient to say that every man consumes, and therefore he pays taxes to the State, and therefore the State in



return must give him a vote. Every man born in the State is a long arrear of account in debt to it; he is bound to discharge that debt, and he scarcely does this by taxes on consumption. Every man from the moment he is born receives the protection of government, and government is a very expensive establishment. Without a previous government, we might not have been born; unless protected by it, we could never have been bred up, and live at any time. We are therefore deeply indebted to it, and by our taxes on our own consumption, we merely pay those debts.

There is scarcely a class or a right belonging to any men that are not benefitted by the Convocation, and whose interests and privileges are not supported by them. That body is composed of the representatives of the cathedral and parochial Clergy. Many privileges and rights, which form the foundation of the Monarchy, the House of Lords, and the landed Aristocracy, issue from them. The cathedral and parochial Clergy are the best and the natural guardians of the rights of the poor. As presidents of the vestry, they have, or rather had, a leading interest in securing to the poor the advantages of a Church and a Poor Rate. By the late Poor Law they have been deposed from their parochial thrones, and the poor of England will never forget the difference of treatment which they have experienced from the rule of the parish Priest and the Church-wardens, and the Poor Law

Commissioners. The Church Rate is equally necessary to the comfort of the poor to procure them without payment the support of religion, to teach them why they are compelled to work, to keep their minds in contentment at their labours, and free them from the influence of those opinions, which whilst it unsettles their faith, is equally sure to disturb their principles of subordination. Since the privileges of the Clergy have been taken from them in the vestry, the rights of the poor have been most shamefully infringed. In fact, the Convocation represents the rights both of persons and things of all classes, and of things divine and human. Nearly the whole of our legislation since the passing of the Reform Act, as also that Act itself, has become imperfect and dangerous. But the imperfection and danger has arisen upon those points on which the Convocation ought to have a voice.

As an estate of the realm holding land, as landed proprietors, the Clergy have a voice in the taxation; and common justice ought to allow them a voice, to prevent their being taxed to support institutions which might effect their destruction; but the right of taxing themselves as a body is a consequence of the higher privilege of their holding an independent spiritual property, like other freeholders, a right which the forced commutation utterly destroys. It is the sovereignty over her property that gives the Church her dignity and security;



without a promise of that sovereignty, she ought not to have allied herself to the State ; when that sovereignty ceases, it is her duty to separate from it, the terms of compact being broken. But she ought not to do so on slight grounds, for she will expose herself to persecution and the State to ruin, and an interminable succession of revolutions. Christianity is the law of the land, and we are exclusively a Christian nation, because the Clergy, as an estate of the realm, has an holding so wide and deep in the land. The Tithe, the Church Rate, and the Poor Rate pervade the whole surface of the soil, and have done so for a thousand years ; for through the lords of the manors, the rectors, and the monastic bodies, there was always a poor rate of some description. You cannot therefore break up your Church institutions, without convulsing all your old principles of government, and confounding all the existing ideas of landed right, and of making your holding of the soil, the result of merely a civil compact, and not of a property founded on religion. The philosophers are agitating the people, and raising the question, in whom the sovereignty over the soil resides. The government will want the strength of Convocation, and its existence is necessary for the purpose of answering even this question : for it will ever be the same, and it will always defend this important question, because it acts on a sense of duty, and its perpetual contemplation of the divine



law will preserve its consistency and truth. When popular opinion and the reformed House of Commons fluctuate in their principles, the Convocation will always be the same, and will support certain laws and rights upon which the real welfare of the whole community rest. The public and official protest of the Convocation, seconded by the influence of the Clergy in their several parishes, must have, even without their actual votes as an estate of Parliament, a powerful influence on any measure ; must give an aid to the Monarchy, the House of Peers, the Aristocracy, and to the poor of the country when threatened with the loss of the Church Rate and their Poor Rate. This cooperation these several parties would not find either so readily or so steadily from any other quarter. The parliamentary Convocation could not do harm ; it could discuss no subject without the Queen's Letter, nor strictly speaking is it properly an assembly for the discussion of doctrinal points, unless it meets in one body, that is, one House ; for such is the synod in other parts of Christendom, and such it was in England before the time of Edward the First ; and perhaps it is difficult to say exactly what has been the custom of the Church since that period as to its doctrine. But in the struggles which probably are about to take place between our ancient institutions and modern theories, the part which the Convocation, as an estate of the realm, must

take is decided, and fixed by the faith they are ordered to teach ; and neither Monarchy, the House of Peers, or the landed Aristocracy, can maintain themselves without their power exerted in those very channels pointed out by the Constitution ; and times and circumstances are now proving experimentally the want of such a body to interpose and direct by their opinion. For it is by the force of opinion officially expressed that their power must act ; the right of voting is for these purposes a very secondary influence.

The power of taxation since the breaking up of the Monasteries is of much less import. But the Tithe still secures an interest in the whole land, that justifies the retention of that right, and the attempt to retain those political principles which the spiritual powers were originally created to maintain ; and instead of surrendering that right, it is the duty of the Convocation to state, that the present disturbed state of the country is in a great measure owing to the improper direction given to the funds arising from the spiritual tenures, of which the Convocation is the proper guardian. The abstraction of the Poor Rate from poor families, the refusal of payment of the rent charge of the Church Rate, the spoliation and captivity of the Cathedrals in the loss of their independence and their subjection to the Ecclesiastical Commissioners, and the general degradation of the Parochial Clergy by the forced commutation of Tithe, are all evils



arising from the want of the timely and constitutional powers of the Convocation.

Since the Reformation, entire departments of law have become obsolete, and some extinct, and many branches of duty resulting from the spiritual tenures, which at that time extended over one third of the kingdom, are suspended ; the Convocation and the Cathedrals, who should have kept holy watch and ward over these questions, have been ineffective, never having expressed an official opinion, and all classes of society have been suffered to fall under the sway of the political economists and the modern philosophers. Religion and politics are naturally connected ; but with us they have always been studiously united. You could not write the history of England without also writing the history of the Church ; nor can you understand her laws, nor the principles upon which they rest, without referring even to the mysteries of the Christian truth. The first duties attached to the Cathedrals are at present so little understood, that I am aware I shall have to encounter expressions of surprise, or perhaps a sneer, when I mentioned them. But the Cathedrals are Churches of the Sovereign and of the State, and the state priests are placed in them to read the morning and evening prayer for the same purpose as the morning and evening sacrifice was made in the temple at Jerusalem, or the patriarchal Church. In these services the great doctrine of the Atonement is recognised, A Rege,



Baronibus, et populo. All the parties who gave the Tithe recognise the principles inherent in the order of Melchizedec, of which primogeniture is part; so that the Cathedral is the Christian temple; and in thus placing the Episcopal Clergy, the Crown and the Parliament admit them, and them only, as Christ's ambassadors, having a legitimate commission to make these prayers for the State. Toleration of other sects in a liberal sense is very compatible with this privilege. But toleration never implies either union or equality with others not of their body; and the State is pledged to support their legitimacy. For many centuries, the Crown, the great Officers of State, and the Parliament, went in state on the great festivals to confess these doctrines of the Church; the civilization and refinement of those ages might be inferior to our own. But their faith was sincere; the union with the Church kept them humble, made them sensible of their own imperfection, and the haughty and preposterous claims of the sovereign people never occupied public attention. The doctrine of the Atonement was not then taught as, nor is it in itself, an abstract doctrine, having no immediate bearing on public or private life, but on the contrary one in which all were interested, and which in those ages all classes thought necessary. And this is the truth, for there is nothing so important as the doctrine of the Atonement for all those who hold supreme power. Unless some power

had made it from the beginning, neither heaven or earth would have held together one second, and man must have ceased altogether to exist; and this is the meaning of "the Lamb slain from the foundations of the world," there having also been an anticipation of the Atonement with the creation. It is therefore the first of the rights of God, and also the first of the rights of man since it has been made, because it shields him from the judgments of God. The founders of the British constitution understood this necessity, and the Cathedrals were instituted, and the Tithe passed through them, that it should be made for the government. Considering the work they had to do, they had abundant need of this provision, and they expressed this consciousness in the Cathedrals. Our ancient kings and lawgivers began as wise men ought to do with the nature of the creature, for whom they were about to legislate, and they took the Bible definition, that he was a creature made in the image of God, and they made their laws with reference to the accomplishment of this great object, and established it through the means of the endowments of Tithe and Advowsons in every parish in the land. Now this definition of the nature of man, which every one must see in his Bible, renders the doctrine of the Atonement equally necessary for all born and that are to be born in the land, and for the State also. For the word of God must be brought to pass, man



must become what he was made to be, he must be united with God. But God is perfection, and perfection cannot dwell with imperfection ; but the doctrine of the Atonement removes this impossibility, and unites both parties. But the Tithe was instituted to make this confession through the length and breadth of the land, and to prevent the earth from being smitten with a curse, and the cause of barrenness. The Tithes were not given merely for the maintenance of the priest, but that the parties paying them should have the benefit of the confessions which this payment to God implied ; and they implied that the whole land was held subject to his law, and therefore it was believed that the providence and protection of God would accompany the payment ; and the State which enforced this law expected the same advantages for itself ; and on these grounds the payment was so strictly enforced by the State. And experience has found the wisdom of these opinions, for the payment of Tithe is a barometer of men's politics ; for in the proportion in which men forget what Tithe is, they also forget the principles which makes Christendom what it has been, and revolution usurps the seat of religion and government : men cease to be such as they have been, and the same springs of action will no longer move them.

These and many other important duties the spiritual Commons might perform ; but their exist-



ence is chiefly necessary for the preservation of the distinction of the spiritual and temporal holdings of their land under the Crown; a distinction which effects all our political institutions, and which may be said to consecrate property, and render hereditary landed rights in families sacred, and no longer dependent on human caprice.

Sir R. Peel, on speaking of the relations of Church and State, has expressed himself very beautifully when he said, that he wished the State to do homage to the Christian faith; but he has also said, that he wished no man to be excluded from power on account of his religious principles; but these two propositions are incompatible with each other. An assembly into which all religious opinions are admitted can never render homage to the Christian faith. The corporation and test laws in conjunction with the indemnity Bills both prevented these dilemmas; the State did homage to the Christian faith, it had its own opinion, and expected homage to be rendered to it, whilst the indemnity Bills left to every man his own opinion, if he did not interfere with that of the State. The government asserted that their opinions were based on the word of God, were the opinions of former generations, and in an hereditary government were entitled to support by the law. These regulations were so happily constructed and pressed so lightly on all, and yet fulfilled so perfectly their office, that the freedom existing under them was made an

argument to prove their inutility. These laws were like the natural laws of atmospheric pressure ; many people exist all their lives without being aware there is any such pressure, notwithstanding the ease and unity of all our movements are owing to it. But the days of uniform compression are gone, and retrospects are useless, and a reconstruction of any similar machinery impossible. The House of Commons at present is and ever will be a political palæstra, in which combatants of all sorts will wrestle, and which will seldom act cordially with the remaining parts of the old constitution. It must be left to itself ; but the Convocation may be used to render its reconstruction less dangerous, and to balance its caprices ; it is the elder branch of the Commons, and the temporal tenures, the best part of that which makes the right sacred, owe their existence to the distinctions established in the spiritual holdings of the state Clergy.

We live in the midst of the convulsions of empires, and the confusion is so general, that most persons seem to have lost themselves. It is to the modern philosopher, who wishes to separate the Church and State, that we owe this disturbance ; Montesquieu in his *Esprit des Loix* has made a masterly analysis of the principles upon which he supposes true governments rest. He asserts fear to be the principle of despotism ; honour of monarchy ; and virtue of republics ; had he applied these



principles to the governments of Christendom in which the Church and State are united, he would have satisfactorily accounted for their movements. In these mixed governments the principles of action in the people become mixed, and the religion in the State produces a better sort of fear, a higher sense of personal honour, and a better species of republican virtue. Lord Stanley, in one of those masterly expositions of his line of conduct which he is occasionally pleased to give to his constituents, added to the last he made a declaration of the principles upon which he acted ; for his opposers had accused him, as is generally the case, of being led to act either from love of power or of place ; of vanity, ambition, or interest. That noble Lord used, I believe, the very words of the Catechism of the Church of England, that he had no other motive, and I firmly believe him, than that of "doing his duty in that state in which it had pleased God to call him." But Lord Stanley, in avowing this principle, spoke the voice of one bred in the Church of England most unquestionably ; for all that England has done, every thing that has made her good and great, all that has made her the admiration of the world, has proceeded from this right principle of conduct. But this principle is in itself the result of one that must precede it, that the religion is the law of the land, for without it a Christian duty cannot be done in it ; and it is these maxims that have made England great ; not



great for an age, but for ever great, whilst these principles are acted on. For it is not numbers alone, nor courage alone, nor wealth, nor intellect alone, nor all these advantages though united, that are sufficient to preserve Great Britain such as she is; but it is all these great advantages united, and in their proper place also. Now there is no other maxim ever has or can keep them in their place like the rule in the Church Catechism, that every man should do his duty in that state in which God has called him. This is a maxim equally necessary for Her Majesty, and for princes and peasants, and it introduces a perfect equality, without the slightest disturbance. It is the proper notion of a Christian republic; it gives the strength and independence of the republican, without his fierceness and insubordination; the fear of God, without the slavish fear of man; a high sense of personal honour in all ranks, with very little of the envy and jealousy that separates them from each other, and torments them. If you affront any man in an empire like this, he will immediately tell you that he is as good as you are; and so in truth he is, whilst this principle is kept in view; for no man can do more, or do better, and the contemplation of Omnipotence reduces all human power and rank to an equality. Such is the simple sublimity of a Christian republic, and such is Christian subordination, which is of a very peculiar nature, equally delicate and powerful, both fugitive and faithful; it forms a peculiar character;

and those who have been once ruled by it, are incapable of being ruled by any other. A people of this description will not be governed by those who come to them without religion; and if those who hold government permit this spirit to become extinct, they must prepare themselves to rule over men of the most stubborn and untractable elements. There is a strong analogy between the Jewish and the British character; born and educated in the rules of religious subordination, they were incapable of being ruled by any other principle, and when this failed, they became the most abandoned as well as the most insubordinate people on earth; so that it was happy even for themselves that their government was dissolved.

I could not choose two maxims of government more proper, than those chosen by Sir R. Peel, that the State should do homage to the Christian faith, and that every man should do his duty in that estate in which God had been pleased to place him; but the Act for the forced Commutation of Tithe is a direct contradiction to both these maxims. For the State, in making it without the consent of Convocation, has usurped the rights of the Church, and made the Church do homage to the State; and there is no man who voted for that law, who did not start from the station in which God has placed him; for in making it, he placed himself in the Priest's rank, in which no man without ordination can be. But this is one of the acts



of the sovereign people and the independent empire they choose to exercise on the earth. It is now about fifty years since we first heard of the rights of man in a state of separation from the rights of God ; and wherever these rights have been claimed, peace has fled. The sovereignty of the people, in the present sense of the word, is incompatible with the quiet of any Christian kingdom, and their exercise of sovereignty in the soil is a pretended right, that will first seize on the Tithe, and virtually on the title, of every other man's freehold. But the sovereignty itself is as inconsistent with truth as it is with peace ; and is as contradictory to the experience of history, as it is to the deductions of common sense or reason.

The origin, the source of power, the initiative of government, as it is now termed, is with us, and all governments in which the Clergy are an estate of the realm, neither in the Church or State alone, but in the union of both. It is found in the position in which all parties are bound with the crown power at the communion table at the Coronation, and in the investitures and the contracts then made ; in these the rights of God are first owned and sworn to, and the rights of man follow as a consequence ; the lesser duty grows out of the greater. Neither ourselves, or any other Christian country, look beyond those elements of nations which are formed of Christian families, our laws, our customs, our whole œconomy, the foundations of all our



polity, are built on this primary assumption. Such masses of population as form the philosopher's peopled worlds, are not recognised by our history. There is nothing written of them in our books. Christian families are to nations, what words are to sentences and books; they are wholly made up of them; there are indeed such things as letters in a state of separation from words, but they are useless, unmeaning things, absolutely unintelligible, and even ridiculous to common sense; and so are simple individuals, abstracted from their families, and the occupations which their parents allot them in life. Throw such individuals together in whatever numbers, they produce nothing, they mean nothing, they are good for nothing; the philosopher's world is composed of such elements. It entirely overlooks the necessary combination of the Christian family, and the antecedent obligations; our laws never for an instant lose sight of them. *Hæc tria promitto populo Christiano* were the first words spoken by our kings, on the dissolution of the power of the Cæsars in the fifth century; they are still in the coronation oath, and the first bond of our union. But modern theorists look not to cathedrals; the philosopher, in his experiments on government, wholly and purposely omits religion. He omits it in his definition of the rights of man, and he has in consequence brought interminable confusion into all those ancient kingdoms which were formed on the contrary method. The

disorder is a natural consequence of such an omission. No person, seeing only the part of any object, can describe it properly ; and no statesman can make a code of laws, leaving out the relations of religion. The consequences of this omission, notwithstanding all he can say or do, must be met with in all the more serious business of life ; and without it, men know very little of themselves, or in truth of any thing. But when attempts of this kind are made, government and real life moving on different principles can never agree ; and in all countries in which the Bible is read, this disunion must exist, for the public mind is formed on this book, as on a book of instruction ; and it contains all things : history, philosophy, politics, ethics, definitions of man's nature, origin, end, and the object of his creation, and of all things belonging to him, and especially the progress of the family in every stage of family, tribe, and nation. When therefore religion and the Bible, for they have always been united, are cut off from governments, but especially from those governments of which they originally formed the basis, what wonder that interminable confusion and discord should ensue.

The history of all the Gothic nations of Christendom clearly proves, that the rights of man have issued from first respecting the rights of God, the very inverse process of modern philosophers. Thus compensation was the principle of the laws of this people ; and in consequence all murder was atoned



for by a fine, which placed the poor and the rich on very unequal terms ; the conversion to Christianity introduced gradually the better and more equal law of God, that whoever sheds man's blood, by man shall his blood be shed ; but a sense of duty to God, wrought the change as his right. For ages many classes were not considered as law worthy ; they could neither make oath, hold property or arms, and although they tilled the land, they had no right in it. Society arose from conquest, and was held together by the sword and by fear of death. Whatever party we look to, we find the same treatment, and whether the Celt, the Goth, or the Roman was the victor, whether the Saxon, the Dane, or the Norman, the tyranny was the same, whichever sword was the strongest. No party was disposed to share the labour of life fairly and equally ; and the conquered as a slave, was compelled to farm and conduct trade. But from the first union of the manorial and parochial law, and the institutions of the the Advowson, from the hour that the spiritual heriot was paid, there was a change for the better in the lot of the vanquished. The Church Rate, or Cyric Scot, was an universal rent charge on the land in the Saxon times, when the tillers of the land had neither land or property ; the vote for the Church Rate in the vestry was the first vote these classes were permitted to have ; and their liberties have continually increased, till all privileges being shared alike, many of these classes are, in their wisdom,



clamouring for the abolition of this Rate itself. The vestry was the first assembly in which the servile classes were admitted to vote. When the Advowson was created, and the persona ecclesiæ established in the parish, the lord of the manor was obliged to feed all his dependents, or they became free; and the monasteries and hospitals were founded by these lords, that if their demesne lands could not maintain them, the lands held in Frank-Almoigne, or Divinum Servitium, were charged with their maintenance, and this was the poor law of those days, and these lands amounted to a third of the rental of the kingdom. Now these are the most valuable of the rights of the poor; but these sprung from first beginning with the rights of God, and most other privileges have arisen in the same method; they arose through the union of the Church and State, through the Christian faith acting on those that administered the government, not through the state Clergy alone, but through the Lords Spiritual and Temporal united, through the immediate action of the Tithe, the gift to God, and a submission to the duties essential to it as state duties.

No party has gained more freedom from the introduction of the priesthood into the State than the ladies. The Gothic women were under severe restriction; every man was obliged to purchase his wife from the family into which he married, and the lady must be given away by some member of it; a custom still extant,

though one of mere form originally. This person was pledge for her good behaviour, and she could not marry without being given away by this pledge. These restrictions have long since ceased, together with all impediments to marry after the parties are of age. But this just right of both parties was introduced by a regard to the first law of God. Ethelbert's laws, which are accounted the oldest laws in Christendom, contain a law respecting marriage which still exists. If a man should seduce another man's wife, the law compelled him to buy the injured party another wife upon the principle of compensation, and he was obliged to purchase according to his rank : and this is the origin of our present law, for damages in cases of adultery : but on this retrospect, all parties will congratulate themselves that they are no longer compelled to purchase their wives, and the ladies that they may marry when of age. Compensation for injuries was the principle upon which all Gothic law was ruled. On their conversion to Christianity, they paid fines as compensation due for the injuries done to God. Hence on homicide they adopted a deodand or payment to God for the loss of his creature man, who was made in His image, and the poor, who were God's receivers, had the benefit of the fine. But this protection extended over all classes, both servile and free, and raised immediately the poor man and the slave to an equality with the greatest. It was



generally imagined, that if a man injured God, he also injured the State: for many injuries there was a double fine levied et Christo et Regi upon this principle. This is not a very popular opinion at present, and like every other good principle it may be misapplied, corrupted, and abused; but still, if taking the smallest possible money fine the magistrate had kept alive the reverence for religion, in such cases as sabbath breaking, swearing, and similar offences, society would not be oppressed and disgraced by the licentiousness which now so much abounds. But it was upon this principle, together with that of injury to the Church, that the payment of Tithe was so sharply and summarily enforced, because the payment itself was homage and tribute to God; and I must confess I think that the principle of these laws are right: the legislator that takes an ample compass, and regards the rights of God, will in that larger circle comprehend the rights of man as a concentric circle within it.

The rights of nations and the laws of war have experienced an influence no less happy for mankind; and since the introduction of religion into the State, the miseries of war have been gradually decreasing, until the revolution in France, by banishing it, caused the feelings of man to retrograde. Barbarous war and confiscation of Church property have uniformly marched hand in hand, when the merciless conscription and the wreck-



less bivouac exposed a civilized generation to all the horrors of invasions, similar to those of the savage tribes that broke up the Roman empire. In the Old Testament we see the Deity the avenger of the laws of nature and nations against the nations of Canaan, who in conducting their foreign and domestic polity broke in on his rights. The commands of Christ were given to teach all nations; and as the peace of the earth was one object of these commands, the laws of nature and nations must come within their range. These ought to be part of the charge of the State Clergy, and those who hold the right of the eldest born are associated with them for that purpose; though the Clergy have somewhat neglected this duty of late, and Christendom and especially the poor have suffered from it. But to make them dependent either on the State or the people is not the exact method of enabling them to perform a difficult and perilous duty; and as the first step towards discharging their office, they ought to preserve their property free and independent. Treaties made in the name of the Holy Trinity may have been profaned or broken in bad faith, but they have been more advantageous to the interests of humanity than those made by an infidel power. The republic of France mocked this form when it proclaimed their revolutionary system as one and indivisible. But when the horses of the Don Cossacks were seen drinking from the fountains of Paris, public

opinion could scarcely avoid coming to the conclusion, that in this far-fetched vengeance the arm of Providence was uplifted to avenge the blasphemy. The ambition and despotism of Lewis the Fourteenth had its limits ; but when the clergy ceased to be an estate of the realm, the conscription laws were admitted by public opinion, and these laws built up the military throne of Napoleon. Had the French clergy been rich and independent, those conscription laws never would have been passed, or if passed, would never have been carried into execution: and the poor of England would not have been tormented with the new poor law, if the parish priest had not been first removed from the vestry ; and the power of the parish priest would never have been broken up, if the Convocation had not been rendered nothing.

History uniformly informs us that the people cannot protect themselves ; and that such liberties as they have possessed, have been secured to them by the privileged orders which have been united with religion. The reason of their weakness may be readily seen ; they are laid in the laws of nature, and so far they may be said to be the work of God. So long as men have the disposition to multiply, which they have and ever have had ; and so long as the earth produces in the modes it now produces, men will have a difficulty in finding food. There is no other way of finding food but by labour, but labour cannot be conducted on any considerable scale without



government, as government itself cannot be instituted without religion ; for the present disposition to establish government without any system of worship is not the natural state of man, but one that is superinduced from an exaggerated view of the corruptions of religion, and the mischiefs they have produced: it is the dictation of a presumptuous sophistry, not the natural impulse of man. It may happen that men will not bear pure religion so well as corrupt, because the one requires much greater self-control than the other. But all bodies of men repose ultimately on some religion, and none but modern legislators have ventured to work without it, and the success of their experiments does not give much prospect of general imitation. Providence has ordained man to increase, and to labour in order to eat ; and these necessities drive us to submit to government and religion. But the laws that drive us to this submission press with most imperious power, and will suffer no interruption, and would lead us to repine at the dispositions of Providence, if we lose sight of the real and noble ends of these laws, which must produce the supreme good ; for the powers of man united under a good government are incredible, and sufficient to remedy all human evil, for no man yet knows the capacities of a free, popular, and intelligent government : but this in its turn must be perfected by religion, and this will accomplish the union of man with God, and that union is the very



end and object of man's creation. So that this severe pressure ultimately generates the supreme good, and therefore justifies Providence in the severity of the pressure, for private evil will produce infinite good. But the pressure of these laws may be terrible ; for as mankind increase, the price of food increases ; and exactly as food becomes dear, labour becomes cheap, because many are starving ; and whilst the appetite of man is fixed, the quantity of his food producible by labour may be diminished, so as to starve him ; for it is ruled not by his animal necessities, but by the quantum of population and of employment. A good government can certainly have great control over employment, and can create it ; but if such government has little or no sense of the responsibility due to God for the treatment of his creatures, it will lose the very strongest inducement to protect mankind ; and these circumstances furnish a good argument for the union of the Church and State, and to enforce this duty is one avowed object of the institution of Tithe, which is, I repeat, a political gift as a prevention against these ills. As guardians for the protection of the poor, I believe that Providence instituted the priesthood and the primogeniture with its sacred right of property in the State ; orders privileged for these merciful and noble ends by God Himself, and to protect poverty, that cannot protect itself, and to keep alive in the intercourse of man a truth which God alone

cannot forget, though men may, that mankind stand before Him as one great family, and that His laws have, for wise purposes to stimulate industry, created the pressure that exists, but they have placed the priesthood and the primogeniture in the State to temper this severity. Our forefathers remarked these institutions in the Bible, and had the foresight to adopt them, and with them they have preserved the safeguards of real freedom, for extreme want is slavery. We may indeed want the name of slavery, but this state is a mere mockery of liberty; the slavery of want is a real danger, to which the happiness of the people of England is likely to fall a sacrifice: the elective franchise is no cure for this evil, but would be rather an aggravation of it; but it will be found in the operation of a Poor Law worthy a Christian nation, and a Church Rate supported by law; the one will rescue them and their families from the desperation produced by redundant population and the diminution of the price of labour; and the other will afford them places of worship, in which their minds shall be disenchanted of the dreams of their own omnipotence, and freed from the spirit of restlessness and agitation, which increases the suffering by creating want of credit and confidence.

I have advanced the principle, that the best rights of man have been derived from first regarding the rights of God, and the introduction of those



rights into the State. The protection of large and poor families, founded upon a reverence for the command of the Deity to increase and multiply, is a branch of that duty. Obedience to it began with *the union of the State and Church by Constantine the Great*<sup>a</sup>; obedience to it is implied in the political

<sup>a</sup> The law not only regards life and member, and protects every man in the enjoyment of them, but also furnishes him with every thing necessary for their support; for there is no man so indigent or wretched, but he may demand a supply sufficient for all the necessities of life from the more opulent part of the community, by means of the several statutes enacted for the relief of the poor. A humane provision, dictated by the principles of society, yet discountenanced by the Roman law; for the edict of Constantine the Great, commanding the public to maintain the children of those who were unable to provide for them, in order to prevent the murder and exposure of infants, (an institution founded on the same principles as our foundling hospitals, though comprised in the Theodosian Code,) was rejected in Justinian's collection. (Black. vol. i. b. i. ch. 1.) It is remarkable, that in Justinian's reign the corruptions of the church and the love of monkery began to increase. He first made the Pope universal bishop, and the legitimate powers of episcopacy began to cease. We are beginning to undergo a similar eclipse of intellect and charity; and the robbing of the poor and of the parochial clergy are indications of a similar falling away. The treatment of the medical men who attend the poor forms part of this robbery; they have been treated as if they were not gentlemen, and in a way that Government ought never to suffer the medical profession to meet with. It is impossible to lower their rank in life without injury to society in general, and more especially to the interests of the poor. The medical gentleman in my parish, and his case is the common case, does not obtain a salary sufficient to pay his horse hire; and the answer to any remonstrance is, that others will do the duty cheaper. The neces-



gift of the Tithe ; but as we have seceded from a right intelligence of the nature and duties of that gift, we have also become insensible to those maxims of humanity which our religion enjoins. We substitute in their place the rules of a niggardly, unfeeling political œconomy ; the whole of the Poor Law Bill was made on anti-Christian principles, and a denial of this right, which is the right, the birth-right, of our poor. But as we advance into different stages of society, these rules, and the principles upon which they rest, require a modification for new circumstances ; wherever, under a certain existing state of society, men have married and settled down upon the faith of that existing state, and they have

sities of private men may justify the acting on this maxim ; but it is utterly unworthy of any Christian government, for the poor must suffer from it. It reflects the highest credit on the medical men, that under these oppressions they continue faithfully to discharge their duties, in hopes of better times. Every man knows what payment is a fit remuneration for a medical gentleman, and this he ought to have in all cases ; and if he does not receive it, the poor will in the end be the sufferers. It is absolutely abominable to stand bargaining, when the sufferings of humanity pay for the haggling. I hope the time will come when the breath of popular opinion will blow like a whirlwind against the admission of this maxim of political economy, in all cases where human feeling is to pay for the bargaining. If we suffer it, the world will say with much justice, that the national character for humanity is fast changing ; and should that change unhappily take place, we shall deserve to lose the empire which we now hold. But if we mean to redeem our character, the Anti-Christian Poor Law must be modified ; as it now stands, it is guilty of both robbery and sacrilege.

families, it is the duty, or ought to be the duty, of government to protect such children under the labour-age, in such cases as the invention of machinery, or any interruption of that industry by which such families live. It is contrary to religion to suffer such circumstances to find their own cure, as is now the practice, for the extreme want which it generates, must occasion the death of the children ; and the government, which is responsible to God for the lives of His creatures, is bound to afford the children protection, independent of that duty of affording protection to all those who submit to its authority. The invasion and deprivation of existing advantages and circumstances is as great a loss to the poor, as if they were robbed ; and though it may be advantageous to the State to admit the invention or the change, the advantage gained does not justify it in admitting the misery that attends it. A modern political œconomist would mock at this doctrine ; but whilst there is religion in the State, the Gospel will teach that where death, as it often does, ensues from these sudden and unfeeling changes, there is a severe responsibility incurred by all those who must foresee such consequences, who might have prevented them, and did not. These evils are in England becoming so frequent and alarming, that they ought to be noticed and remedied ; they are one of the marks of that covetousness which is idolatry, and which can reconcile itself to any existing and immediate suf-



fering, for the sake of future aggrandizement. But this political morality is absolutely repugnant to true Christian charity, and is utterly inconsistent with Christian duty. Be as rich and as ambitious as you please, but cease to be so at the expense of the poor and the helpless ; and do not take the bread out of their mouths, or suffer others to do so, and leave them when you have the power of assisting them. For families under these circumstances, there ought to be a crown parish ; and to protect the poor, and see duties of this kind, as the necessity for them arises, properly fulfilled, is the office of the Cathedral Clergy, through whom the Tithe has passed. It is one branch of the office of such men to guard public opinion, and see that the spirit of the world does not, in its presumption, usurp power over the spirit of Christian charity. But unfortunately for the poor and for the laws of Christendom, this race of spiritual persons, these *personæ ecclesiæ*, are extinct. In their separate parishes Clergymen see and feel these grievances, but they have no means of officially expressing an opinion. Cure of souls was never meant to be the only care of the Cathedral Clergy, but also the superintendence and watch over all those laws and principles which originated in the Cathedral, and which make the Crown the *Vicarius Christi in Terra*.

Philosophers of no mean reputation have lent their talents to support these delusions of the omnipotence of the people ; orators and dema-



gogues find this language with them the readiest road to their own advancement; their powers expatiate on the fictitious majesty of the people, and play off most fantastic tricks against the real Majesty of Heaven; they discourse of the sovereignty of the people, and this sovereign, under their dictatorship, creates and uncreates all things at its good pleasure; and as a branch of this sovereignty, it takes possession of the whole land, and disposes of it, permitting regard neither to the past, present, or the future to arrest its will of the moment. This false notion has, for the last half century, spread its delusions over the finest intellects and the firmest courage, and it has made every thing bow before it. It is a phantom which has crossed and crazed the wits of many; but like other phantoms, when grasped by reason, it escapes the grasp and proves to be nothing. It has often happened that whole ages and nations have held their several fancies which time has dissipated; the Goths believed that the god of war dwelt in their camp; the Anglo-Saxons really thought that their royal family was descended from Woden, from whom we have named our Wednesday, as Thursday also from his eldest son Thor, and we owe our Monarchy to this strange belief. The impositions of Mahomet still rule the East, and regard to his family binds fast the Mahomedan despotism. The Christians of the twelfth and thirteenth centuries believed seriously, because the Pope told them, that

the Crusades were commanded by the will of God ; and with equal reason, and with still more important consequences, the eighteenth and nineteenth centuries believe that omnipotence resides in the will of the people. The fallacy of this maxim consists in the supposition, that ten, twenty, or thirty millions of human beings ever yet met together, without being bound and brought together, and without submitting themselves to something more than their own will. Even when brought together by some superior and antecedent power, they have such indistinct and opposite notions of their own will, that through this natural weakness they become the unwary tools of demagogue despots, who make them subservient to their own interests. But this mental weakness is increased by the natural frame of the body, its wants and its passions, which renders union amongst the mass of the people abstracted from antecedent authorities, and obligations almost impossible both naturally and morally. If the people were united, they would be all powerful ; but this very union presupposes an undivided will, and such a will can only be formed by moulding that will on preexisting rules of conduct and a submission to antecedent obligations ; it presupposes a system of education and an uniform order of life. But this state, which is the true one, destroys the voluntary system, the right of freedom of choice and of experiment, in the unrestrained sense in which these terms have



been used, and it controls the sovereignty of the people. Here lies in part the mistake. According to history, the submission began with the people, who first received orders, and then investigated them and agreed to them. But modern philosophers tell you the nation assembled has no orders to receive, but has only to instruct its governors whose only use is to obey them ; bearing in mind the well known political comparison of the body and its members with the body politic ; it is as natural and rational as it would be if the body should stand inverted on its head, and the heels and the hands should discourse most eloquently, and issue orders consistently, and in union with each other for the head to execute ; these arguments are meant to apply not to the power which the people really possess, but to their modern claim of sovereignty, exclusive sovereignty. It is meant to expose the folly of a claim, which when advanced has always led to their slavery, and the destruction of the laws which really protect them and their liberties ; to remove their eyes from an ignis fatuus, which leads them in their darkness into the unsolid grounds, and the bad air in which it was generated.

The whole course of history contradicts these positions. If we believe our Bibles, authority proceeded downward from the fathers of families, who were bound by the laws of God ; and whatever unions we may contemplate, whether they were



for the purposes of war, or hunting, or barter, the chiefs never received their instructions from the people; the chiefs consulted but did not obey them; and so diffident were all parties of their own will, that they always appealed to that of their Gods through their Priests. Chateaubriand collected the customs relating to the origin and union of most of the wandering nations in America, and all their movements began with a consultation with their Gods, whose will and not that of the people was to be the guide of their actions: that will was supposed to be revealed to them in their dreams. It was easy to anticipate what kind of revelations there would be issuing from dreams, arising from stomachs inflamed with the drinking of ardent spirits, and gorged with bears' flesh; but the custom proves that the people did not imagine they had no order to receive, and that no will but their own was to be consulted. The powers under which Moses really acted, almost all legislators have feigned that they possessed, which is a confession that their people did not expect that their own wills alone should be consulted, and that they were ignorant of the sublime discourses of modern philosophy, that all power originates with the people. We do not find any of the Gothic nations who had not favourite families, under whose chiefs they submitted themselves when they sallied forth in their expeditions in war, and the countless tribes which have roved over the

plains of Tartary, from the wall of China to the Black Sea and the Baltic, these ancient tribes never exercise the sovereignty of the people, but submit to their chieftains, and are not yet acquainted with their natural and inalienable rights. Still less have they heard of them in China, in Central Asia, or as far as we know in the interior of Africa. Upon what authority therefore do these speculative politicians proclaim the existence of their imprescriptible, unalienable, and natural rights of man? If any one would define what was the natural and unalienable shape of the human race, there would be neither doubt or difficulty in the definition; why is it therefore that these natural, imprescriptible, and unalienable rights of man can be found in no history, or age, or place, save only in the fancies of philosophers? (Black. Com. vol. i. p. 62.) And yet there are some universal notions and feelings which do exist, and may be traced amongst mankind<sup>b</sup>; although these rights are not amongst them, therefore the want of them does not arise from the nature of man, that has not any common and universal notions, but these ideas are no part of them; and how wonderful it is, that they, being as it is said an essential part of the mind of the people,

<sup>b</sup> Blackstone has written very beautifully on this subject, pointing out the danger of Locke's system; still he admits an implied contract, (p. 68.); but such an implied contract really is created at the Coronation, and the investitures of which the Tithe, since Alfred's age, have formed part.



should have remained undiscovered for more than five thousand years, and should only just now be seen by the wise men of the eighteenth and nineteenth centuries ! Our own country has less pretensions to them than most others. If any man would turn round the globe that may be in his study on its axis, he could not place his finger on any one spot on it, that either in the present or in the past generation was ever occupied by any powerful nation that originated in the maxim that all power springs from the people.

When the Americans advance their pretensions to the sovereignty of the people as the origin of power, we would ask them, whether Columbus discovered the new world under the influence of that opinion ? whether it was a principle recognised by the government under whose patronage he sailed on his voyage ? whether in any one of the countries of America, from Greenland to Cape Horn, any of the original inhabitants ever possessed such opinions ? or whether any of the first settlers ever held them in the sense in which they are now maintained ? When it is asserted that the nation assembled has no orders to receive, I would ask, Did Washington and his officers command the American army, or that army command them ? and from this position the American government sprung, and without it the nation could not have assembled. If the commander in chief and all his officers at that crisis of affairs had been sunk in crossing the lakes, would



all power have remained with the American people? would they not have returned to the British empire? No nation, since the creation of the world, ever has assembled in reality under the principle, that all power springs from the people. The people, before it could accumulate or congregate, has always recognised SOME ANTECEDENT AUTHORITY of some kind. The most democratic government on record was the Athenian, but it originated in a monarchy; the people invariably destroyed the rule in Greece, which the talents and patriotism of their great men had gained them. The banners that conquered the world, bore on them the motto, *Senatus Populusque Romanus*. Even their republic possessed hereditary rank, and the foundation of their strength was laid in the monarchy. Cicero confesses that the cause of the republic was untenable, and the people when they had gained their liberties could never keep them. Want is slavery, and the people were always in want; the generation in which the Athenians were most free and happy was that of Pericles, and he secured his long power by the bribery of almost every man in Athens; but Pericles was as patriotic as he was powerful; and though the power was really with himself, he used it for the welfare of the people, and he made them believe they had the power in reality by flattering them. Washington was a great and a good man, and he meant to act honourably, but he has misled his country. He was a bad philosopher, and not a very

good Christian, and these defects have rendered him an indifferent statesman. When the enthusiasm of independence and liberty shall have subsided, and the Americans shall feel the smart of their own licentiousness, they will be brought to confess that Washington and his party missed the opportunity of establishing a constitutional aristocracy, which might have been made compatible with a republic; and that they acted with great presumption when they entirely rejected the legislation of the mother country, in their choice of the great rules of government. There is the pedantry of patriotism stamped on their proceedings; a false love of popularity in flattering the national vanity of the Americans, and a want of moral courage in not opposing the popular love of power, of which it is impossible that they should not have foreseen the evil effects; and if they were really Christians, and felt grateful, as they might well have done, for having obtained the great glory of achieving the independence of their country, it would have been only decent to have expressed to the world their love and gratitude to Jesus Christ for his protecting providence, and have lent some assistance to the preaching of the Gospel. The warriors of the old world thought it impious not to select *spolia opima*, after their victories, for their gods: the Tithes of Abraham were *spolia opima*; and their statesmen, either felt or feigned some divine impulse when they composed their codes of laws. The institutions



of monarchical America, like those of the mother country, were based on the Gospel; the republican government has decidedly rejected this book from incorporation either with their law or their soil; and the whole area of that vast land has been taken possession of and sold by men calling themselves statesmen and legislators, and reasonable, intelligent, respectable Christian men. Persons exercising the highest act of supreme power, excepting that of life and death, have thought proper to do so without one reflecting thought, for what purpose that land was formed, or what should be the duties of the parties to whom they have taken upon themselves to convey these vast regions without conditions, or exacting from them any pledge as to these duties and purposes. In the mother country estates are bought and sold, but the Crown grants are the original titles, and these are subject to the contract at the Coronation, where all these duties have been provided for. But these impieties and acts of apostacy will punish themselves; and in the countless diversities of opinion, and the discord and anarchy which will spring from them, America will find the fable of Cadmus realized, and that the land will produce dragons' teeth and armed men together with the corn arising from such anti-Christian soils. I am not meddling with other men's matters when I mention these things, I am only defending myself in my own parish. There is not



a parish priest who is not affected in a degree by these American grants ; they are pleaded as specimens of an improved polity, as examples for Great Britain to imitate, and their reasoning, extending itself to the British House of Commons, has produced the forced Commutation of Tithe, and occasioned those powerful exertions of our most intelligent statesmen to stop the Appropriation Act. But the defence was not conducted on the right principle ; it has changed the nature of the property, it has transferred the tithe from heaven to earth, and has removed the Title from the communion-table to the Houses of Parliament, and every man's land will follow the movement. This revolutionary principle perhaps cannot be better expressed than in the words of Lord Brougham.

“ He held all Church property, whether the endowment of the Church of Scotland or the Establishment in England and Ireland, was properly speaking public property, and might be dealt with by the legislature for national purposes, if the wisdom of Parliament should think fit so to apply it, or for the more immediate purposes of the Church if they thought proper.” This is the principle that has been acted upon. Parliament has indeed in its wisdom not thought proper to alienate it from the Church, but it has thought it proper to break the contract existing that the Tithe created between itself and heaven, to seize on property contrary to the will of the holders

without an equivalent, and to introduce confusion into the very elements of justice. This is a bold experiment for such an assembly as the House of Lords to join in; but the Tithe is the gift, and Parliament without breach of contract have no farther power over it than to see it properly applied, and that the holders of it do their duty. How far the whole body of the Priesthood may think it right to rest thus upon this change, which in fact really leaves them no property, and consequently no independence, time will shew. Every other kind of property is affected by the change, and is made to depend on human authority. If Parliament chooses to recognise nothing greater than itself, things must remain in this state until time shall teach those in power the use of the principle which has been discarded from the State. The independence of the property of the Clergy now presents a barrier to claims which will not otherwise be easily stopped. But if Parliament should shut its ear to the rights which the Church has collectively as an estate of the realm, I think it matter of great doubt how far in those mixed cases such as mine, in which the Tithe is combined with a right of purchase and an hereditary family right, how far a British jury will think their own freeholds safe under a commutation forced by an Act of Parliament. Whilst the Tithe exists as the Tithe, the gift, I hold there are certain rights in land, which an Act of



Parliament cannot touch ; and if the question should be brought into a court of justice, I think the freeholders of England will be found on the side of the Church, and will view her freeholds as the best barriers that exist between them and the force of an Act of Parliament, which has no omnipotence to exert over landed rights, and I think the legislature in the present temper of the times would be wise in not raising that question.

Blackstone's opinion on this subject is so strong and apposite, that I shall insert it. (Blackst. b. i. ch. 1. p. 154.)

“ So great, moreover, is the regard of the law for private property, that it will not authorize the least violation of it, no not even for the general good of the whole community. If a new road were to be made, for instance, through the grounds of a private person, it might perhaps be extensively beneficial to the public, but the law permits no man or set men to do this, *without consent of the owner of the land*. In vain may it be urged that the good of the individual ought to yield to that of the community, for it would be dangerous to allow any private man or even any public tribunal to be the judge of this common good, and to decide whether it be expedient or no ; besides, the public good is in nothing more essentially interested than in the protection of every individual's private rights as modelled by the municipal law ; in this and similar cases the legislature alone can,



and frequently does, interpose, and compel the individual to acquiesce ; but how does it interpose and compel? not by absolutely stripping the subject of his property in an arbitrary manner, but by giving him a full indemnification and equivalent for the injury thereby sustained. The public is now considered as an individual treating with an individual for an exchange. All that the legislature does is to oblige the owner to alienate his possessions for a reasonable price, and even this is an exertion of power which the legislature indulges with caution, and which nothing but the legislature can perform."

In the forced commutation, not one of these conditions have been observed. The Lords Spiritual, that is, the spiritual lords of land, are part of the ancient founders of the Constitution ; the legislature has acted without them, and all private right has been totally disregarded.

The confounding of the distinction of the spiritual and temporal estates of the realm, was the primary cause of the French revolution. The decree of the National Assembly in 1789 was not so injurious to the rights of the Church as either the Ecclesiastical Revenues Bill, or that for the Forced Commutation of Tithe ; for however unfortunate the consequences of that decree proved ultimately to the Christian religion, it was passed with the consent of the Clergy of France ; but the Revenue Bill and the Forced Commutation have been enforced in defiance of the protestations of that body

in England. In an unguarded hour, the Clergy of France acknowledged their property to belong to the nation, and the national ruin and confiscation followed rapidly on that decision: the Clergy of England, grown wise by experience, have denied this right, and protested against it. Parliament, overlooking the Convocation, have thought proper to establish the principle, that the property of the Church is the property of the nation. The National Convention made the same law, and the Convention maintained the law so long as suited their convenience; and the British Parliament may follow the same course, but the breach of faith and the invasion of the rights of God and man, is far greater on the part of the British Government, because the rights of the Clergy have been better known and established by our laws than they were by the French, and our Clergy have decidedly opposed the enactment. Had the late Administration continued in power, it is impossible to say what further changes might have been made; at present, government is in the hands of those who certainly are friends of the Church, that is, after their own ideas of friendship. But still the sentence of death suspended over the Church by Lord Grey and Lord John Russell, can only be considered as suspended; the danger on the first change of Administration may become again as imminent. In the mean time it is the duty of



every Clergyman to enquire, what is meant by the Church property being the property of the nation, and whether this definition does not expose them, and also all the landowners of England, to similar, though perhaps not the same, revolutions as have followed the decree of 1789; whether the exercise of this power is not a direct breach of the covenant existing betwixt the Crown, the State, and the Clergy, and whether all right of rule over the Church does not of itself cease with the independent holdings of the Clergy? Whether such clauses as 49, 50, and 51 in the Ecclesiastical Revenue Bill, do not preclude the Crown from its interference in cathedral matters; and whether the Judges themselves would venture to assert, that the penalties of a præmunire could attach to the cathedral bodies, when the conditions which create a præmunire, which conditions are an independent tenure of land from the sovereign, no longer exists? But the laws have been still more confused. Supposing, and nothing at the time was more probable, that Lord John Russell had appointed Bishops inclining to Papacy or Socinianism, and the parochial Clergy and the Churchwardens had at the Visitations asked such Bishops, by what authority they came there; I believe they could not have answered the question. The Ecclesiastical Revenue Bill has destroyed the constitutional parliamentary right, and of the canonical, the apostolic, right there is not a vestige;

she is bound to recognise the authorities that gave



for the Bishops do not choose, but the Minister; and that Minister was Lord John Russell, under Irish influence.

Had the Bishops chosen each other, the choice might have been tolerated, although an usurpation; but they have no power in the matter, which rests almost exclusively with Ministers. The Church has had a narrow escape, and amidst other dangers she was very nearly losing the Bishops' Diocesan Courts, the only pure unmixed Apostolic Court except the Synod which she possesses. Now, instructed by these risks, and looking forward to the probability of their return, the Church should embrace the present opportunity of preventing such an evil. The religion of the country is now, thank God, in the hands of its friends; and there is no necessity, the danger not being imminent, for those strong and abrupt movements, which must have taken place, if a Ministry, which was in direct hostility to the Church, and which was also supported by systematic and unblushing perjury in the House of Commons, had continued in power. Nothing on earth is more simple than the power of the State and the Crown over the Clergy. In the Church of Christ the prince and the peasant as to Church government are on a perfect equality. The subordination of the Church, as to the nomination of her Ministers of every kind, begins with the endowments. When the Church receives lands, she is bound to recognise the authorities that gave

them, but she is not bound to own them when they are taken away. Who can say with truth, in reading the clauses I have quoted, that they have not been taken away? Under the admission of the principle there set up, future Parliaments may make what further changes they please; convert them at any time into a money rent. The case would be entirely changed, if all that has been done should be sanctioned by the voice of Convocation, because future changes, which might be those most to be dreaded, would be checked by this appeal: and the House of Commons may debate as it pleases. There is not one argument assigned for this conduct that can be supported by reason, truth, or history. The Act itself rests simply on the ground of *stat pro ratione voluntas*; and if our great legislators choose to suffer their characters to lie under this public accusation, it is one of those evils for which there is no remedy until it remedy itself. But, however, there is a mixed right of the Church, which is not so easily trod under foot, I mean that right in which Tithe is become both by purchase and by hereditary right private and family possessions, and where the violation of that right breaks in upon all other freeholds. Legislators certainly may despise all these claims, and they may by Act of Parliament make a new code of justice and honesty, as they may enact that gold should swim and feathers sink. But justice and nature will still hold on their ancient courses;



equal retribution will meet such legislators, and give them their due ; if the old laws and customs of the empire be, as they are, founded on the law both of God and man, you will never regain the good opinion and confidence of the country for breaking them. But should public opinion be also corrupt and bear you up ; it will only bear you up to give you the full benefit of your own definitions, and the broad hand of the nation will place itself on your own estates with far more justice, than you are now placing yours on my Tithe. Discussions on the rights of property, which are now happily at rest, will be revived ; others that have never before been heard of, and which are peculiar to our times, will throw men's minds into agitation, and you may legislate, and be laughed at, and be left without that authority, which you have yourselves destroyed. We have lived so long in the quiet possession of our landed estates, that we suppose they always have remained in their present state of quietude ; but there is no part of the social union more open to dispute than the right to the soil, and in what power the right of appropriation to it, and the sovereignty of it, should rest. The stability under which we now enjoy it did not always exist, but arose from the union of the Church and State, and ideas brought into the civil rights of property by the Tithe. A fixed right in the land establishes the distinction between the wandering and the agricultural states of society.



Yet this right, so important, has been considered by the greatest authorities as open to doubt, and different degrees of limitation ; Locke, Paley, and Blackstone, also a practical lawyer, have placed this right on a foundation very exposed to be removed by popular agitation and hasty legislation.

Lands, says Judge Blackstone, are not naturally descendable more than thrones ; but the law has thought proper, for the benefit and peace of the public, to establish hereditary succession in the one as well as in the other. The same title that the sovereign has, every man hath to his private estate. (Ch. iii. book 1.) He says, these hereditary rights owe their origin to the founders of the Constitution. But the Lords Spiritual have ever formed part of the body of those founders ; and without an unprecedented breach in the original parts of the Constitution, no changes in hereditary landed right ought to be made. When such vast and unprecedented changes are made in property, as the Forced Commutation for Tithe brings with it, when the original power of the Clergy, as an estate of the realm, is candidly considered, and the entire neglect that has been observed towards them, we cannot avoid applying to their circumstances the remarks which Blackstone has made, as to the derangement of the balance of the constitutional powers: (book i. sect. 2.) "The constitutional government of this country is so admirably tempered and compounded, that nothing can endanger or hurt it, without destroying

the equilibrium of power between one branch of the legislature and the rest; for if ever it should happen that the independence of any one of the three should be lost, and become subservient to the views of the other two, there would be soon an end of the Constitution. The legislature would be changed from that which, upon the supposition of an original contract, either actual or implied, is presumed to have been originally set up by the general consent and fundamental act of the society; and such a change, however effected, is, according to Mr. Locke, who perhaps carries his theory too far, at once an entire dissolution of the bonds of government, and the people are thereby reduced to a state of anarchy, with liberty to constitute to themselves a new legislative power."

From this doctrine I beg leave to dissent, as the union of the Church and State must ever prevent this miserable extremity. But the Forced Commutation of Tithe, and the transfer of the Cathedral freeholds to the Ecclesiastical Commissioner, is clearly a breach of that implied contract existing between the Church and State, which is the safety of both, and which, in a former work, I have said may be found expressed in the Coronation. Hereditary landed right cleaves to the Church as if it were part of it. The dignity of the Earldom is the base of the House of Lords; originally it was an office only for life, with a lifehold interest in the land attached to it. Hume expressly remarks, that the office and the



land attached to it became hereditary at a late period of the Saxon history. (Appendix, vol. i. p. 187.)

This change was subsequent to the grant of the Tithe. Is it good policy of the House of Peers to shake a property that dates its rise together with their hereditary honours, and is in its origin connected with the primogeniture? The present business of the country is carried on by the Quarter Sessions and the Justices of the Peace. But the original jurisdictions of the country all held sympathy with the House of Lords, being, like them, inheritable jurisdictions, in the county, the hundred, and the manor court; but none of these could be formed without the Bishop and the Parson in the Advowson. We have obtained a paid police, we shall soon have a paid magistracy: the Church and the Cathedrals have no property left. Shortly the Crown and the House of Lords will be left alone in their hereditary rights amidst a democratic and anti-constitutional population. When Parliament touched the Tithe, its good spirit seems to have left it, and the Ecclesiastical Tithe Commission was to have forced the copyholders into a surrender of their property. Parliament has relinquished this bold attack on property, and I hope that its better genius will lead it to remove also the far bolder inroad on property it has made, in forcing the Tithe from its holder. It will be found, that as men's minds are deranged as to the idea of Tithe,



they get confused either as to property or rent. The extract below from Inglis's *Ireland*<sup>c</sup> gives a proof of this. This joint opposition to the payment of Rent and Tithes, leads me to state the situation of Ireland before James the First interfered in its government, and that the opinions prevalent in certain classes indicate the approach to the ancient Brehon law. (Hume, vol. viii. p. 134. A.D. 1612.) "After the subjection of Ireland by Elizabeth, the more difficult task still remained; to civilize the inhabitants, to reconcile them to laws and industry, and to render their subjection durable and useful to the Crown of England. James proceeded in this work by a steady, regular, and well-concerted plan; and in the space of nine years, according to Sir John Davis, he made greater advances towards the reformation of that kingdom, than had been made

<sup>c</sup> In Tipperary, as every where else in the south, I heard the strongest objection to Tithe in any shape: and a curious instance came to my knowledge of the determination of farmers to get rid of Tithe. A farmer agreed to pay thirty shillings an acre for a certain quantity of land; the landlord being bound to pay Tithe and all other dues. On rent-day the tenant arrives, and before paying the rent asks what Tithe the landlord pays? "Why do you wish to know that?" says the landlord; "what is it to you what Tithe I pay? You pay me thirty shillings, and I take Tithe and every burden off your hand." "I know that," says the farmer, "but I'll not only not pay Tithe myself, but your honour sha'nt pay it either." The tenant offered the landlord his rent, deducting whatever Tithe he, the landlord, paid; and the rent is, at this moment, unpaid. (From Inglis's *Ireland* in 1834.)

in the four hundred and forty years which had elapsed since the conquest was first attempted.

"It was previously necessary to abolish the Irish customs, which supplied the place of laws, and were calculated to keep that people for ever in a state of barbarism and disorder.

"By the Brehon law or custom, every crime, however enormous, was punished, not with death, but by a fine or pecuniary mulct, which was levied upon the criminal. Murder itself, as among all the ancient barbarous nations, was atoned for in this manner; and each man, according to his rank, had a different rate or value affixed to him, which if any one were willing to pay, he needed not fear assassinating his enemy. This rate was called his *eric*. When Sir William Fitzwilliams, being lord deputy, told Maguire, that he was to send a sheriff into Fermannah, which, a little before, had been made a county, and subjected to the English law; 'Your sheriff,' says Maguire, 'shall be welcome to me; but let me know, beforehand, his *eric*, or the price of his head, that, if my people cut it off, I may levy the money upon the county.' As for oppression, extortion, and other trespasses, so little were they regarded, that no penalty was affixed to them, and no redress for such offences could ever be obtained.

"The customs of Gavelkind and Tanistry were attended with the same absurdity in the distribution of property. The land, by the custom of Gavel-



kind, was divided among all the males of the sept or family, both bastard and legitimate: and, after partition made, if any of the sept died, his portion was not shared out among his sons; but the chieftain, at his discretion, made a new partition of all the lands belonging to that sept, and gave every one his share. As no man, by reason of this custom, enjoyed the fixed property of any land; to build, to plant, to inclose, to cultivate, to improve, would have been so much lost labour.

“The chieftains and the tanists, though drawn from the principal families, were not hereditary, but were established by election, or, more properly speaking, by force and violence. Their authority was almost absolute; and notwithstanding that certain lands were assigned to the office, its chief profit resulted from exactions, dues, assessments, for which there was no fixed law, and which were levied at pleasure. Hence arose that common bye-word among the Irish, ‘That they dwelt westward of the law, which dwelt beyond the river of the Barrow:’ meaning the country where the English inhabited, and which extended not beyond the compass of twenty miles, lying in the neighbourhood of Dublin.

“After abolishing these Irish customs, and substituting English law in their place, James having taken all the natives under his protection, and declared them free citizens, proceeded to govern



them by a regular administration, military as well as civil.

“A small army was maintained, its discipline inspected, and its pay transmitted from England, in order to keep the soldiers from preying upon the country, as had been usual in former reigns. When Odogartie raised an insurrection, a reinforcement was sent over, and the flames of that rebellion were immediately extinguished.

“All minds being first quieted by a general indemnity, circuits were established, justice administered, oppression banished, and crimes and disorders of every kind severely punished. As the Irish had been universally engaged in the rebellion against Elizabeth, a resignation of all the rights, which had been formerly granted them to separate jurisdictions, was rigorously exacted; and no authority, but that of the king and the law, was permitted throughout the kingdom.

“A resignation of all private estates was even required; and when they were restored, the proprietors received them under such conditions as might prevent, for the future, all tyranny and oppression over the common people. The value of the dues, which the nobles usually claimed from their vassals, was estimated at a fixed sum, and all farther arbitrary exactions prohibited under severe penalties.

“The whole province of Ulster having fallen into

the Crown by the attainder of rebels, a company was established in London for planting new colonies in that fertile country: the property was divided into moderate shares, the largest not exceeding two thousand acres; tenants were brought over from England and Scotland; the Irish were removed from the hills and fastnesses, and settled in the open country; husbandry and the arts were taught them; a fixed habitation secured; plunder and robbery punished; and by these means Ulster, from being the most wild and disorderly province of all Ireland, soon became the best cultivated and most civilized.

“Such were the arts by which James introduced humanity and justice among a people, who had ever been buried in the most profound barbarism. Noble cares! much superior to the vain and criminal glory of conquests; but requiring ages of perseverance and attention to perfect what had been so happily begun.”

That noble provision which James the First made for the maintenance of the Protestant ascendancy in Ireland, has been removed from its appropriation, and applied to purposes quite opposed to those intended by the Crown. A change no less remarkable has also taken place in England, with respect both to the nature of Church property, and also as to the nature of government generally: the alteration is remarkable both here, and also in other countries, for being coetaneous. The change in opinion has



also been equally marked by the introduction of discord and disorganization, wherever it has appeared: the peace of society is at all times most valuable to it, and whether it be superstition or religion, prejudice or reason, or sentiments compounded of all these, which procured the safeguard, it cannot be either wise or safe to discard them abruptly, until either other or better have been substituted. Our old opinions performed their office of making the State work well together; the same cannot be said of modern theories; in all directions the new governments are falling to pieces.

If we take a retrospect of the state of public opinion in Great Britain, with respect to the nature and origin of government, dating from the time when Henry the Eighth replaced on his own prerogative the supremacy of the Church of England, of which he had deprived the Pope, to the present time, and compare their different stages and fluctuations, we may perceive that two different and opposite systems have had their full range over and occupation of the public mind during this period of three hundred years. The mixture of truth and falsehood in them has been discovered by the collision, and the principles now really necessary for the proper government of the world may be seen and separated. But during the whole of this period it may be seen, that government has been almost solely made up of opinion which has experienced most rapid and extreme changes.



Of the rapidity of this change we see full proofs in the contiguous reigns of James the First and Charles the First, which is about the centre of the period. As Hume has treated of these variations and their causes with much sagacity and candour, I shall quote largely from his history; they are connected with my subject, because I conceive that the Forced Commutation of Tithe, the abstraction of Church Rates, which are a primitiæ both extending over the whole area of the kingdom, are the consequence of the adoption of the maxim by the public and by the legislature, that the people are the origin of all just power. Whereas I assert, by the ancient law of England, that when God's fee, which is the Church Rate and Tithe, has been established, that they are not the only origin of just power, but that first-fruits and tenths being dedicated to God for state purposes, make government a sacred contract, such as it has been at the Coronation; and that to change and force these consecrations is a breach of contract, and is in itself a revolution. The ideas of divine right in the government in the time of Henry the Eighth were equally inconsistent with sound religion and real liberty. But in the other extreme, the notions of government established without any portion of this right, are incompatible with either truth, or peace, or religion; they are also quite contrary to the course of British law. "The House of Commons, previously to the trial and murder of Charles the First, established the

maxim, that the people were the origin of power; a principle," says Hume, "noble in itself, and which seems specious; but is belied by all history and experience." The House of Peers voted unanimously against the trial of the King; but they had no power. Had the Bishops, and also the mitred Abbots, supported by their vast landed property, been in their House, Charles would never have been murdered; and if ever the House of Peers should again become weak, they will find support from an independent Clergy, secure in the possession of their landed property, as a sacred right. The Commons assumed all power to themselves, to the exclusion of the Peers and the Monarch. But when the other branches of the legislature are pursuing the course lately adopted with regard to Church property, I contend that they are following the same unjust and impolitic line of conduct. They are breaking in on their contract, they are teaching the people to regard no power greater than themselves, by exciting a parliamentary power of acting, as if they were omnipotent.

Hume says, and it is strictly true, that the twenty-two years of the reign of James the First produced more happiness to England than any that preceded it. The public, says the historian, was entirely free from the danger and exposure of a standing army; whilst James was vaunting his divine vicegerency, and boasting of his high prerogative, he possessed not so much as a single



regiment of guards to maintain his extensive claims. A sufficient proof that he sincerely believed his pretensions to be well founded, and a strong presumption that they were at least built on what were plausible arguments. The militia of England, amounting to 160,000, were the sole defence of the kingdom.

The gentry also of that age were engaged in no expense, except that of country hospitality; no taxes were levied, no wars engaged in, no attendance on courts expected, no bribery or profusion at elections. Could human nature ever reach happiness, the condition of the English gentry under so mild and benign a sovereign might merit that appellation.

It may be affirmed, that during no preceding period of English history was there a more sensible increase, than during the reign of this monarch, of all the advantages which distinguishes a flourishing people. James has remarked, in his Basilicon Doron, that when he was in Scotland the republican ideas of the origin of power from the people were at that time Puritanical novelties. But they were novelties, which soon spread themselves rapidly and powerfully in England; and produced those extreme changes of opinion, which gave rise to the rebellion and the murder of Charles the First. And these maxims have continued to grow and become more violent and extreme, until we see their full effects in our modern revolutions.



In the reign of James the First the Commons began first to entertain the idea, that they were the great patrons of the people, and that the redress of all grievances must proceed from them; and to this assumption they chiefly owed their public regard and consideration; and acting on this notion of the origin of power, they soon tore away not only from the monarchy, but from every other part of the government, all traces of a divine right in it, and of monarchical principles. Not only of the superstitions and corruptions of power, transferred from the Pope to the Crown, and of the principles of arbitrary sway, brought in by the Conquest; but of those also which may be deduced from reason, and the obligations necessary to the adoption of the Christian religion.

“By the old crown lawyers,” says Hume, “the prerogative of the Crown was represented as something real and durable; like those eternal essences (see Paley) of the Schools which no time or force could alter. The sanction of religion was by divines called in aid, and the Monarch in heaven was supposed to be interested in supporting the authority of his earthly vicegerent; and though it is pretended that these doctrines were more openly inculcated, and more strenuously insisted on, during the reign of the Stuarts, they were not then invented, and were only found by the Court to be more necessary at that period, by reason of the opposite doctrines which began to be pro-

mulgated by the Puritanical party." These remarks coming from Hume are very striking, because they account for the events of Charles the First's reign.

"So low, in the age of Elizabeth, ran the inclination towards liberty, that although the most arbitrary of the House of Tudor, she was yet both the most powerful and also the most popular of all the Sovereigns who had filled the English throne. James took to the government as he found it, and pursued her maxims. Nor was the change in public opinion known, until the troubles in the reign of Charles the First proclaimed them.

"What a paradox in human affairs," continues Hume, (note, vol. x.) "that Henry the Eighth should have been almost adored in his life, and his memory respected; whilst Charles the First should, by the same people, at no greater distance than a century, have been led to a public and ignominious execution, and his name be ever after pursued by falsehood and obloquy. Even at present, an historian, who, prompted by his courageous generosity, should venture, though from the most authentic and undisputed facts, to vindicate the fame of that prince, would be sure to meet with such treatment as would discourage even the boldest from so dangerous, however splendid, an enterprise." But time has rendered justice to the memory and merits of Charles the First. Our Liturgy considers that Monarch as a Martyr; a name strictly applicable



to those who fall a sacrifice to their religious faith. Charles believed in the divine right of Episcopacy, and its connection with the State by the Coronation contract; and his refusal to sacrifice it to the Presbyterians certainly cost him his life. But the experience gained in the knowledge of politics in the two centuries which have passed since the Rebellion, have proved that he fell a sacrifice to his attempts to stop the progress of the maxim, that all power springs from the people, and that sound and permanent liberty is secure only under limited and well-defined notions of divine right; and that as these ideas are suffered to become faint on the public mind, democracy and despotism grow strong. I assume the contract made at the Coronation to be the origin of power in the British Constitution; the presence of the Bishops is essential to that contract, and Charles was required to remove them from their public authority in the government. The old Coronation oath runs thus; I believe this part of it to be British: "*Hæc tria populo Christiano et mihi subdito in Christi nomine promitto: in primis ut ecclesia Dei et omnis populus Christianus veram pacem nostro arbitrio in omni tempore servet.*" The words *nostro arbitrio* throw upon the Crown the responsibility of maintaining that peace through all time; and in another part of the ceremony, the Crown power is expressly made *Mediatorem populi et clerûs in hoc regni solio*. The law therefore expressly marked out the



King to regulate the dispute, and the Monarch kept his Coronation oath in this great point ; but the nation was not then aware that this mediation was equally connected with political rights, and the right of property as with religious privilege ; though it was made fully conscious of it when the House of Commons issued their numerous orders for confiscation of the estates of the Royalists ; thus breaking in upon the rights of investiture and the sacred rights of property, established at the Coronation through the instrumentality of the Bishops. This is one part of the divine right then brought into the Government. Of this right the Tithe is the very base ; and therefore the Puritans, the Independents, and Cromwell their head, and all men who try to separate the Church and State, have, without exception, joined in the attack on Tithe. (See note, Hume.)

And I am sorry that the House of Lords, by sanctioning the forced commutation of them, should have removed this principle of divine right from the Constitution. It may be consistent in a reformed House of Commons to pursue that course ; but it is little short of an act of suicide in that chamber of the legislature which represents our founders of parish churches. The emigrants from England carried to the new world these ideas of the origin of power, which ruined this country under Charles the First ; in the new world they have had time and space to grow, to dilate themselves, and to

shew their true character. Separation and change are the perpetual consequences of this definition of power. They have separated the first emigrants from their mother country, the mother country from the colonies. In America itself, it has separated religion and government, and left that government in many respects powerless; it has again recrossed the Atlantic; it has again produced in France the separation of Church and State, and together with it a revolution in property, and a change that fifty years of doubt and difficulty has not yet fixed, and an order of things dependent solely on the tact of the reigning Monarch, who so far from governing according to the will of the sovereign people, has saved his country and the whole civilized world by breaking his pledge to his party, and by ruling France according to the dictates of his own clear intelligence and humanity, rather than the impossible conditions of the arbitrary and bigotted advocates of the sovereign people. Spain, if the acts of the Cortes are to be considered official, has already arrived, through the agency of this maxim, to a dissolution of all government, and Portugal will probably come to the same determination. A ten years' unprincipled undermining of the religious laws of the country, by the late Administration, has much weakened the strength of the British Constitution; but, thank God, it has now fallen into the hands of men who call themselves conservatives. They have a noble



opportunity of shewing whether or no they deserve that name, by the rejection of the principle of forced commutation from the Tithe Bill ; for it is impossible to reconcile the use of force on this change with any principle of justice ; on the contrary, it is repugnant to every law both of God and man ; it is sacrilege and robbery unmixed ; it is also most short-sighted policy. It is the 'Tithe, and the opinions connected with it, that have encircled the Government with that reverence, that has been generally so useful to all parties ; the rough claims of the people have torn away certainly all mystery from the origin of power, but they have with the movement stripped off from the law much of its power, and that species of power from which its majesty, its dignity, and its beauty, arises. This mystery, which envelopes Government and some of the powers of the Crown, has been remarked by many writers, and has led to much discussion. It is partly the effect of ignorance, and partly of the introduction of the Christian religion into the State. The Apostles call the faith a mystery ; and when its principles are engrafted on our laws, part of its mysteries are transferred to our law, and an authority given to it which it had not before. The maintenance of these mysterious prerogatives in their connection with religion occasioned the martyrdom of Charles the First. According to the contract at the Coronation, the first duty of the sovereign is to maintain for him-



self, the State, and the people, the confession of the great doctrine of the Atonement in the Cathedrals. The Episcopal Clergy are the only parties who are recognised by the State as proper for this office. The Tithe is given to the Cathedral as maintenance for the priesthood, first for this purpose; in all ages, it was the great office of the Tithe. This steady maintenance of the prerogative may be called mysterious; the determination of the Crown to uphold this ceremony, for which the holder of it is personally responsible both to the Church and the people, as well as to God, may appear to many a mysterious obligation, to others an unmeaning ceremony. It ought to be the duty of every part of the Government; but it is the special, the personal, duty of the sovereign to maintain this divine right. If the whole generation of his subjects should clamour for its abolition, it would be equally his duty to support it, as it ought to be of the other branches of Government. It is a right of God necessary to be owned by every generation of mankind; and in this case the Crown, by contract at the Coronation, is the great trustee of this right, and should take care that posterity should not be defrauded, even if the existing generation should apostatize, and disregard its own privileges. This is one of the duties imposed upon hereditary right, it is one of the most important of its uses; it is one of the most valuable advantages of an hereditary

Monarchy, a regal family, and an hereditary peerage. They are all sworn at the Coronation, and the Tithe is witness to their promises, to maintain these things as customs as well as laws; laws may be repealed, but customs cannot. All these obligations, and many others analogous to them, throw an holy mystery about supreme power and government in this country, which, as a secondary effect, produce obedience to it from all classes, and whilst the faith is fervent, the obedience is cordial, and even affectionate. But all these opinions are mysteries to many, to some they appear absurd. But their existence preserved peace during the ancient times, and their extinction caused the rebellion in Charles's reign, and the loss of reverence felt towards it in our own times. From this age writers have begun to treat of civil society; but it may be doubted whether with Christians such an institution as civil society ought to exist; whether the very notion is not inconsistent with the obligations they contract in entering the Christian covenant. No man individually ever pretended to plead that he could divest himself of his Christian duties. No single family ever could entirely omit attention to religious service, and consider itself as Christian. But nations are made up of individuals and families; can the whole therefore be different from its parts, and can that which is omission and error in the one, become less so in the other? Does it

the most valuable advantages of an hereditary



not shock reason and common sense, that what would be ruin and disgrace in the separate component members, should be perfection in the whole body? and what dispensing power can be pointed out that has the right to divest these several parties of their Christian conscience when acting as a whole, which they never imagined to be possible when acting by themselves separately? I do not add here those other arguments, by which it may be proved, that all who hold supreme power exercise the rights of God, and that they ought therefore to have his authority for that exercise: it is this false notion in treating of civil society, that is, of government without religion, that has created such mischief. No man has done the cause of government and the establishment of his own order greater injury than Paley in this misconception; he opposed himself to Locke's theory of a social contract, but his own principles are scarcely less hurtful; he places the establishment of the Clergy on no higher grounds than utility, which must ever leave them a disputed seat to power, for it is easy to see what different notions will be held as to this utility: he denies all social compacts, such as are pleaded for by Rousseau and Locke, and his definition of civil society is this: "The will of God, as collected from expediency." But this is an intermediate state betwixt Rousseau, Locke, and the social contract men. The



proposition should be inverted, and then it will be equally as agreeable to truth as to the experience of history.

The foundations of government rest upon expediency, determined and regulated by the will of God. Families are the simple elements of nations, and wherever a Christian family is formed, the first point of national contact is laid; for it is apparent what unanimity that religion prepares on most important points; this therefore is the first preparatory step for further union, and the general principles of union are laid down in the contract at the Coronation, of which contract the Tithe is an essential part, as the gift ratified by the nation for the maintenance of that contract; it is a gift still, the political pledge by which they covenant to keep the course of their government agreeable to the will of God. There is a contract therefore determining the general outline of the Constitution, which accounts for that species of mystery in power of which all the ancient Crown lawyers treat, but which is now erroneously considered as obsolete, but which cannot be entirely obliterated whilst the Tithe remains in the State law; and I presume this may be the reason why there is an instinctive hatred for the Tithe amongst all those who would separate Church and State. Paley classes all original governments into patriarchal and military unions; but he forgets that the original patriarchal government was both a Church

and a State, and that the Deity was its head. He was in immediate communication with it, and this State was meant to be universal ; this was the great primæval government, the military union was secondary in point of time, and was a corruption of government, and from its origin connected with idolatry. But Paley has injured the Church by further asserting, that a religious establishment is no part of Christianity. (ch. x. b. vi. p. 309.)

Our Saviour does not appear to have given any directions to the Apostles respecting an establishment, farther than that they should begin at Jerusalem, where there already was one appointed by God. But St. Paul in his Epistle to the Hebrews, the landowners of Judæa, writes, that the Levitical and Aaronical priest together with the ceremonial law was for ever at an end, that there never could be another high priest to receive the Tithe. But he then calls the attention of the nation to Melchizedec and Abraham ; and his declarations clearly amount to this, that the Tithe was still to be paid to the order of Melchizedec as they originally had been by Abraham, and that Jesus Christ, the invisible head of that order, still should continue to receive them at Jerusalem. I contend that this is a complete establishment as far as relates to the holy land, and that had it been accepted and continued, it would have been the model for all Christian Churches, and would have completed their polity ; and therefore St. Paul, although the Apostle of the Gentiles,



wrote this Epistle to complete his work ; it failed, but we have adopted his power of the Melchizedec by imitation. But our Saviour, although on all other occasions He refused to be made a king, did on his last entry into Jerusalem accept the salutation of the people. Zechariah prophesied of the fact, and dates the kingdom of the Messiah from that one act ; *Lo, thy King* ! Christ's kingdom was not of this world, but it is never written, it is not of this earth. His kingdom must begin with the Atonement, and when the time for this was come, He entered Jerusalem, accepted the installation of the multitude, and it was one cause of his death ; and then St. Paul proclaimed him the great High Priest after the order of Melchizedec, and the receiver of Tithes though in heaven. Establishments therefore founded in imitation of this have something more than mere utility and expediency for their authority. But these mysterious notions of the nature of our constitution Paley will not allow, although he bears witness to their existence.

And Hume allows their influence, although he ridicules the cause of them : but it is evident, from the temper of those times and also of the more ancient periods of our history, that they have produced very salutary and powerful effects, which Government at present stands in need of.

I have been so much occupied in stating the effect of Tithe on government, that I have almost

\* Zech. ix. 9. " Shout, O daughter of Jerusalem ! thy King cometh to thee riding upon an ass, and a colt the foal of an ass."



overlooked its importance as furnishing a revenue for the priesthood ; but the forced commutation is in this point of view both unjust and impolitic, and in many circumstances I think that it will prove impracticable. The Clergy, considered as a public hereditary body of men, issue out from every respectable family in the kingdom : from the prince to the peasant, every decent family may indulge a hope of having one of their connections in the Church. Considering the immense quantity of entailed property that is appropriated to particular families, it is the height of impolicy to diminish the Church property, which is at present open to all for competition. Church property has ever been, and it is one of its political uses, a species of ladder, through whose steps great families gradually descend and lowly ones rise in life ; such a species of property is essential to the proper temperature of our mixed constitution. All Ministers ought to reside ; and the income arising from the Tithe, and a reasonable Poor Rate, which is retained from the annual rent of the parish, to be spent in it, is highly beneficial to it ; and it is equally contrary to the principles of justice and policy, to rob any parish of any accustomed income, that has been thus entailed upon it. Empires fall from want of the equal diffusion of capital, to which the parochial revenues of the Clergy and a proportionate Poor Rate very efficaciously contribute.

The Tithe was meant in part for the maintenance of the priesthood, and it is the product

of every thing which the soil produces, and it was meant to furnish them with all the comforts and conveniences of life. The Tithe will of course properly measure these; but a corn rent never will: how is it possible that one commodity can fairly represent all others? It has been proved that it will not, from the Pope's corn valuation in the Liber Valorum, which if it had continued as the estimate of value, would have reduced the present income of the Clergy nearly two-thirds, and two hundred years hence the present corn rents and the general price of commodities necessary to support the rank of the Clergy, will be found to be very disproportionate. Both Adam Smith and Hume have remarked, that in an early stage of society corn is dearer in proportion than in more advanced states of it; according to prices stated in old papers, printed in Anderson and Macpherson's History of Commerce, wheaten bread was much dearer than butchers' meat or poultry. Dr. Birch, in his Life of Prince Henry son of James the First, says, that the house of that Prince was supplied with beef and mutton at four pence per pound through the year. Corn was then about eight pounds per load, which would give bread at about one penny per pound, which are about the present proportions; but it is now impossible, on account of the corn laws, that the proportions of the price of bread should ever rise; the probabilities are, that on account of further alterations in the scale of



imported corn, that the price of bread will sink lower. The proportions of corn have ever been sinking; this truth is proved from some Tables published by Mr. Playfair about twenty years since; in these he proves, that in Elizabeth's reign the wages of good tradesmen, such as carpenters, masons, shoemakers, and such trades, were in the proportion, that it would require seventy-three days' wages of such men to purchase a quarter of wheat, whereas ten days' labour in the present day would purchase that quantity: that during the first thirty years of George the Third, wheat was, compared with the wages of labour, cheaper by one half than in Queen Elizabeth's time. And that even during the last war, wheat, when compared with the wages of labour, was cheaper than in the days of Elizabeth. These tradesmen's labours are indispensable to Clergymen, and it follows from these data, that a corn rent, if fixed in the age of Elizabeth, would not at present give the command over one seventh of the tradesmen's labour that it then gave, because they can now earn in ten days as much corn as could be earned in Elizabeth's time in seventy-three, and consequently those possessing a quarter of corn, as would be the case with the Tithe commutor, could afford only to give remuneration for ten days' labour, whereas had he possessed the corn rent in Elizabeth's time, he might have employed the same person for seventy-three days. Such a difference must



affect a man's style of living; but corn should not have been the sole standard of value; it forms a small part of family expenditure, and as circumstances now are, it can not possibly rise, though it may fall; butchers' meat should and might easily have been added to the scale, and indeed the Commissioners themselves entertained this opinion. I am confirmed in this notion from a passage in a note in the thirteenth page of Playfair. He says, "Adam Smith, in his book on the Wealth of Nations, considers it as a doubtful question whether the wages of labour ought not to be regulated by the price of wheat or bread, as that is the main article of the food of the working classes. There is an apparent plausibility in the idea, because the labourer should always have the means of living, and consequently the means of purchasing a sufficient quantity of food for himself and family. But though this is true, it by no means follows, that wheat or any one species of food should be taken as a rule, and that it would never have answered is clear, from the variations of prices from 1202 given by himself to the present day. *This experience of more than 600 years applies with equal truth to the corn rent commuted for Tithe.* Corn will keep 100 years, and may accumulate to any extent; but cattle cannot increase beyond the capacity of food to maintain them; they are subject to disease, they are not transportable as corn; they require a space of time

two or three times greater than corn to reproduce it when diminished; and as comparatively few now consume butchers' meat, the demand for it may much increase if the circumstances of the middling and lower classes should improve. The price of butchers' meat as compared with that of bread must increase; it forms a much larger article of consumption with the Clergy than bread, and as it is part of the Tithe, it ought to have been taken in the calculation. Supposing that if a man would consume three pounds of food each day, and you would give him a rent charge to sustain him; take at the present prices three pounds of bread, and you would have a money charge of sixpence; take the same two-thirds meat, and you would have a money charge of one shilling, with the chance of the price of meat perpetually fluctuating in your favour, whereas the price of bread cannot rise beyond a given point, but most probably will permanently sink. Rents taken generally enable men to live; they find their level with the prices of things necessary for life or comfort, by numberless and imperceptible channels, but experience has proved that corn singly never does this. The Tithe is the Clergyman's rent; let it alone to take its own level, it will act like other rents, and maintain him; but the single and solitary representation of corn will never during a long course of time do so: and this truth has been proved by Mr. Playfair's table of the variation between the



number of days' wages necessary in different ages to produce a quarter of wheat. This fact is of itself sufficient to prove the inequality of this measurement: the general body of prices of all those things by which Clergymen must live, and with which their tithe will now supply them, will in the course of a generation or two start aside, and diverge from the corn rent; and although at the first starting, the corn rent having been formed from a general money price, will represent all the common produce of the land, it will not continue to do so, but such variations will take place in all things, as Mr. Playfair has enumerated in the case of the quarter of corn: Clergymen's incomes will be so many quarters of corn every successive generation, productive of less real power, less command over the wages of workmen, which he must have, and having very little proportion with the prices of meat and other articles.

The only permanent method of doing justice to the Clergy, is to open the rent charge at stated periods, and reset them as at first with the existing money prices. This might be easily done, and if the real object of the Tithe Bill was to prevent the discord of perpetual bargaining, and not to injure the Clergy, this object might be easily effected. Those who study statistics divide a century into three generations: every thirty-three years, the money price of livings might be taken as it was at the origin of the Tithe Commutation, and



then turned for the next thirty-three years into a rent arising from so many pounds of bread and butchers' meat, the assessors to be appointed, one by the Clergy, a second by the Government, and these two to draw lots for a third, unless the third party could be settled by mutual agreement. Thirty-three and one third is a generation, and all the issues of marriages, and the consequences those marriages would produce on consumption, labour, wages, &c. would be fully felt; there could be no private bargaining in these assessments, and nothing unfair to any party. As a collateral advantage, these assessments would afford satisfactory data for the regulation of rents; for if you could thus adjust one tenth of the rent, the remaining parts must in a great measure be determined; it would tend to prevent extravagant rentage, which is an evil of the first magnitude. I must also state the absolute robbery to the Church of all uninclosed lands, wastes, commons, &c. all of which are by the old law titheable, and the right of the Church. The Forced Commutation, as it applies to the Vicar of Charlbury, is as ridiculous as it is unjust. I have the Tithe of every thing but corn, and therefore I am to be compelled to take a corn rent, which I have proved to be no standard of the value of my property, which has been purchased, and which I inherit; I cannot believe that the Legislature in reconsidering this matter will persist in such a violation of right.

There is a sovereignty and majesty inherent in the Tithe from its connection with the Deity, which ought to have placed it above the disposition which is made of it in the 70th and 71st Clauses of the Commutation Act; when that forced change takes place, it is not final, and in fact never can become so; for any of the landowners, desirous of further change, may, through the assistance of the Commissioners of the land tax, or any three of them, alter this apportionment at their pleasure. The words run thus: "It shall be lawful for the Commissioners of land tax for the county or place where the lands are situated, or any three of them, to alter the apportionment in such manner, and in such proportion, and to the exclusion of such of the lands, as the landowner, with the consent of two Justices of the peace acting for the county, riding, division, or other jurisdiction in which the lands are situated, may direct; and such altered apportionment shall have the force of the original apportionment." Now these words appear to bear the interpretation, that every landowner may exclude such of his lands as he may choose, provided he can get the consent of the Commissioners and Justices. As in the course of time all landowners may wish their lands freed, if they can get the consent of the parties named, the Church property will be in a perpetual move like a quicksand, and will shift to the remotest ends, not of the parish, but even of



the county ; for there seems to be no restriction to the power of the Commissioners. Neither the Patron, the Bishop, or the Incumbent, are to be even consulted in this further exchange ; and in case of a sequestration, the Church-wardens might not know where to look for the lands, and might not be able to visit them when known. Under such strange powers as these, how can it be said that the Church can possess any real right of property ? and I would ask any of the legislators who have made these anomalous laws, how they should feel if their own freeholds had been thus arbitrarily and disadvantageously shifted from their original position, and thrown into such circumstances and quantities as will most probably suit the convenience of every party but the parish priest, who, confined to his parish, will know very little of his own estates ? From these Clauses I am led to believe, that the Tithe Act is the work of some calculating double-minded man, whose ultimate object it is to remove the Tithe altogether from the land, and to substitute in its place a money payment from the State ; and in order to effect this between the Tithe and the corn rent, the revenue of the Clergy will be thrown into such confusion, that this compromise will become almost a matter of necessity, unless by timely vigilance the Clergy prevent it. But a State money payment must from the forms of the Constitution pass through the House of Commons, and depend on its vote : now the



orders of our Saviour are imperative as to the *not* receiving support from such a power as this ; and rather than do this, I would hold a plate to receive subscriptions at the church door from my parishioners. When our Saviour ordered the Apostles not to go from house to house, he meant that they should not render themselves dependent upon the capricious opinions of numbers, even though they were their converts; and the punishment of Ananias and Sapphira prove that gifts to God are really such in his sight, and are not to be trifled with ; so that when thus consecrated, the Church might depend on this provision. Receiving a State pension through the House of Commons as it is now constituted, is going from house to house in two senses. The Commons are a moveable body ever on the change, so that the Church would never be supported by the same body, and every member of every House is in a degree bound to submit to the will and caprice of his constituents. Every member may be said to exist by going himself from house to house; and the priesthood by being made dependent on those who go from house to house, or in other words depend upon popular opinion, are themselves made to bend to the same power; a dependence which our Saviour has expressly forbidden, and therefore it is impossible. And when we consider the transactions of the reformed House of Commons, that perjury has been systematically committed in it to effect the

destruction of the Church of England, under the late Ministry ; and that it has made the destruction of the old laws of Christendom its occupation both at home and abroad ; these attacks would make it the height of folly to place ourselves in an enemy's hand, and it would also be a direct breach of our Saviour's orders, "Go not from house to house."

The Rectorial Tithes of Charlbury are in the hands of lay impropriators, which are your Lordships ; they are charged with the repairs of the chancel. I have looked diligently for that word in the Act, and I cannot find it ; neither can I find to what quarter my Church-wardens are to apply in case the chancel should want rebuilding. By the old law, the Rectorial Tithe of the whole parish was chargeable with that duty ; by the seventy-first Clause I find that "it shall be lawful for any person seised in possession of an estate in fee simple or fee tail of any Tithes or Rent Charge in lieu of Tithes, by any deed under his hand and seal, to be made in such form as the Commissioners shall approve, and to be confirmed under their seal, to release, assign, or otherwise dispose of the same, so that the same may be absolutely merged and extinguished in the freehold and inheritance of the lands in which the same shall be charged." The chancel must be repaired from the Tithe ; the Tithe, and its substitute the Rent Charge, is merged in the fee, and the law says nothing concerning the responsibility of that fee



for the repairing of the chancel: thus the whole of your Lordships' vast estates in the town and hamlets are discharged from this duty; such is the reverence and religious care which the framers of this Act have for the chancel, the seat from which all spiritual law originally issues, and the place consecrated to the administration of the Sacrament and the marriage ceremony. The law certainly compels the lay impropriator only to repair the chancel, which is often kept in a state not quite so good as the rectorial barn in which the Tithe corn is housed. But the intention of the law is, that the Tithe being God's fee, the obligations of conscience should follow those who hold it, and that they should perform the duties belonging to it. Henry the Eighth never foresaw that it would be held by persons not members of the Church. I am happy to see the great Tithe in the possession of parties situated like your Lordships; I think it best for the Church it should be thus, and that it is a disposition of them agreeable to their original intent, which is a political dedication. The Mosaic Tithe was paid to the Levite as well as to the priest who sacrificed; the Levite was an hereditary lawyer, legislator, and statesman, by birthright an attendant in the temple, which was the seat of government as well as of religion, and he performed the duties of both services, though not equally so with the priest, but for many state purposes they were united; when the Tithe was



restored to the order of Melchizedec, and the Levites abolished, the primogeniture came back to its place; and in an imitation of this tenure, the primogeniture and the lawyers took their share of the Tithe; for the Monasteries were full of men who acted as spiritual lawyers. I do not think that the parish priest ever had the whole of the Tithe. The Bishops had them originally, the lord of the manor did not always appropriate them; and the Monasteries soon obtained possession of them, where they remained until the Reformation. It is known how they have been disposed of since, and their occupation has been most shamefully abused, to the injury of the Church. Many men hold them who are totally unconscious of their use, and the obligations attached to them. But I am happy to address your Lordships, holding the station of hereditary legislators, as lay impropiators, and I hope that I may secure your voices as patrons and protectors of the Tithe and its independence, that it may properly do its office, and that you may act cordially with the priesthood, and by that act at once secure their rights and your own privileges, stop the incursions of a licentious democracy, and by upholding in the senate the sovereignty and the obligations of the Tithe, secure to mankind and to the poor those true and substantial liberties, which God has made inherent in them. These objects are much more likely to be effected when Peers hold Tithes, than

if they were entirely in the hands of the priesthood. Men with the dispositions and feelings which hereditary legislators must possess, are the persons most liable to be awakened to the obligations belonging to Tithe, and they are always in a position to make them fulfilled which the priests may not hold. There are many branches of spiritual law which, from the holding of Tithe, the Peers may think themselves bound in conscience to maintain; and I appeal to your Lordships in full confidence that you will not join in forcing me to commute my Tithe; and I hope I shall succeed in convincing you of the extreme impolicy of forcing commutations in any case. In addressing the heads of the Marlborough family, I need not remind them, that its glories have been gained by victories maintaining the Protestant liberties of this country and of Europe, for this object, and the maintenance of the balance of power, were the causes of the wars of Queen Anne; and I hope I may claim it from your consistency, that, holding such distinguished rank from the heroic exertions of your ancestors in defending the interests of the Church abroad, you will not be instrumental in destroying her liberties at home. The grant of the Mercian kings establishing the manor and advowson of Charlbury in favour of the Bishop of Lincoln most probably was dated from Woodstock Park, from which demesne it was severed; and I should feel that Blenheim Park should be the last



spot from which an order annihilating the sovereignty of the Tithe ought to issue. The appropriation of the Tithe in part to the Barons of Christendom took place very early; Charles Martel, after the defeat of the Saracens, conferred part of them on his warriors, who were legislators; I think it gave them an interest in the Church, that led them the better to defend it. I wish all the Tithe not in the hands of the priests was in the possession of persons like your Lordships, or the Bench of Judges, or spiritual bodies like Colleges employed in education. I believe as part of the temple revenue, this would be their proper, their original employment; but whoever holds them, they are bound by virtue of them to see the parish priest supported by an adequate maintenance. I have no complaints to make as to endowment; and if my lay Rectors will in parliament support the just rights of the Vicar, I hope their Tithe may continue in their families for many generations; and I believe such policy will be the surest means of effecting the wish.

I should be sorry to see even in your Lordships' case the great Tithes merged indiscriminately in the other parts of the land, unless the whole became responsible to the chancel, of which I see no traces in the Act, nor indeed of any other responsibility; I should prefer seeing the rectorial farm set out in every parish as a memorial of the tenures through whose medium the land became Christianised, and the present Monarchy and Aristocracy



sprang. For the endowment of each parish, and the principles that endowment implies, ran through the county courts into the parliament originally one House, and the unity of common and spiritual law, which this endowment implies, had great power in forming the Constitution: I can by no means think it good policy to shuffle the great Tithes out of sight, as if the law was glad of an opportunity to escape from them. The rectorial farm ought to be seen in every parish, that men may have a visible monument in their parishes bringing to their memory its origin, and the progress of order, law, and agriculture: the poor, a memorial of the causes from which their Poor and Church Rates sprung: the Peers and the Aristocracy, of their primogeniture and its duties, and that they should support, not only the chancel, but the priests, as presidents of the vestry, though they are no longer there themselves; and that when the landowners buy, sell, exchange, and let, that they should not entirely forget the principles upon which the primæval court baron was held, and that there is still an holding existing, and recognised by law, which is competent to arrest the licentiousness of a nation claiming an unchecked right in the soil over the Crown grants. I have great hope that I shall save my Tithe, because a great political victory has been gained, and the interest now called conservative has gained the ascendancy. The term is a new one; I should have preferred it if it had

better defined what it is willing should be preserved. I am attached to the old terms Whig and Tory, because they have a definite as well as an ancient signification. Whig and Tory are both of them Saxon terms of very ancient use; they were probably banished from England by the Conquest, and brought back here with the Stuarts. Rapin has written a very long treatise on the origin of Whigs and Tories, and clearly defined their several views; he accounts for their names as belonging severally to Irish and Scotch banditti; but Wige is a Saxon term, denoting battle, opposition, contention. Wigan signifies to fight; Tory is the correlative term, implying the object of the contention. Tyr or Tor, is the family name of the race of Asæ or the Demigods: by this name Woden is called, as also his eldest and bravest son Tor. The word also signifies empire, and there is a whole train of words connected with these ideas<sup>a</sup>. The Whig therefore is the opposer of the party of Tor, or of the hereditary right of the eldest son, whilst he is the bravest; for the Goths acknowledged no indefeasible right, that is, no right abstracted from a capacity for action and duty. This corruption of indefeasible right is the growth of Popery. The Tory held the right of the family as he held the best horse; as long as he could use it, he had always a pre-

<sup>a</sup> There is a long train of words derived from Tyr; Tyr-annus, *Tyr-annos*, *Tugon*, to tear, tore, Tory, the bruising of the club or sceptre of Tor.



ference given him. The Gothic chieftains wore their hair long as a mark of their rank; they dressed it when they went to battle; short hair was worn by the people. There are many Saxon laws imposing fines for cutting a man's hair short. Hence the Whigs were called Roundheads, and the Tories Chevaliers, from Chevelure, or long hairs, men wearing long hair. The Baron is the Christian name for the Tory. It is Chaldee, and occurs often in the Psalms; it means the son with the birthright and the blessing; and this was the common name of all lords of manor in the time of John. The term bar occurs as early as Edward the Confessor, but the Saxon word child expressed the same idea; and it is often met with in Doomsday Book, together with the word commendatio, or protection, or patronage; and Kelham in Doomsday says the right of commendation began with the Romans, and passed through the Britons to the Saxons: the Advowson attached to the Barony is one part of this commendation formed by the Bishop. The champion of Tor kept his military patronage, and preserved an hereditary state before he settled in the land; when the Advowson was created, he became the child, or the bar, or the baron, the general name of all lords of lands holding Churches. Thus since we have named Wednesday and Thursday, we have been familiar with the term Whig and Tory, and I hope it is now too late in our history to change them; and the Whigs are welcome to rail at the Tories as long as they please, and



oppose hereditary right and the priesthood. But whilst these privileged orders confine their powers conscientiously to the maintenance of the rights of man and of God, as conjointly necessary for the public welfare, this raillery and opposition will not scare them from their posts, or even derange their good humour. I am sorry to quarrel with any person or party; but when history tells me that the head of the Whig party, then the first Minister of the Crown, the head of the Church of England and Ireland, immediately after the ceremony of the Coronation, and the oaths he then takes, should in his seat in parliament tell the same Bishops, who with him were parties at the contract made at that Coronation, that the time was come "that they should set their house in order;" a principle of self-defence, and of duty also, compels me to declare my apprehensions of that party, and never to trust them. Report gives Lord Grey the credit of being an honourable man in all the relations of life, and I should be sorry to scandalize him or any other man; but he can preserve that character only, by supposing that when he used those words, he acted under the influence of mental delusion; for it is impossible to reconcile that threat and his oaths then taken. But whatever be the motive or the cause, the consequences to the Church will be the same, unless she protects herself. On the division of the Whig party, the hostility to the Church was carried much farther by the leader who then succeeded to power. The

Cathedrals of England offered to Lord John Russell such a command over their revenues, as would have secured all the objects necessary to the proposed additions to Churches: but this offer would not give Lord John that power which destroyed the Church: and the Cathedrals of England are in the hands of Ecclesiastical Commissioners: and the Cathedrals having no freeholds, can have no connection as the Church of England with the Crown, the common allegiance of subjects remaining only, all other ties being dissolved by the change; these are the effects of Whig legislation on the Church of England. I hope I have proved, that the Forced Commutation of Tithe is a violation of the principles of all public and private law, of all right divine and human. It is no less injurious to your Lordships as lay impropiators, than it is to me as Vicar, for it strikes at the very origin of your privileges as hereditary Peers; I mean, the divine right of government in opposition to a social contract excluding the Christian religion. The Tithe still retains in the State a principle of reverence for government, which human authority of itself never brought into it. The mind of man even in its present broken and ruinous state is a creature of great grandeur, and requires something more than human conceptions concerning it to ensure uniform and successive obedience. I am willing to allow that there are amongst those who now hold power in this country as great men as



have ever appeared in it ; but I must confess, that it will not increase the idea I have of their greatness, if they should deviate from the tracts of thought as to the union of the State with Religion, in which all their predecessors without exception have trod for more than 1000 years : for I regard the eccentricities of the late Administration merely as a temporary alienation of intellect ; no set of men (these very grand personages only excepted) have ever attempted to rule England, placing no greater object before the public than human authority. The voice of the law never raised its sound alone, but it was united with a voice from heaven ; there was a faith in the sovereignty and majesty of the Tithe, which led men's minds to bow to the government that enforced it, and the government having faith in its title, was neither afraid or ashamed to enforce it ; Parliament are endeavouring to govern the people without this principle, and the people will soon turn round on them, and convince them that they will not be governed on this rule, that they want other authority to render them subordinate, to keep them respectful. Officers of State formerly attended the Cathedrals, and learnt other lessons than these in them. The tenures of the land being united with religion, created the ideas of a divine right inherent in the State. These notions are very ancient, and they come from the very highest authority. When God had determined to make a great people of



the family of Abraham, then in Egypt, it was necessary that the Egyptian nation itself, under whose protection they were to be formed, should possess a permanent and effective government; and in order to produce this, the supernatural famine, and the no less supernatural interference of Joseph in the affairs of Egypt, was permitted to take place, so that in the minds of the Egyptian people the impression of a divine interposition in the government at its origin could not fail to be made. Under these impressions the land became the property of the Crown, and was issued out to the proprietors subject to a rent charge of a fifth part to support the government. But the priests of On held an independent tenure, which the Crown could not touch. (Gen. xlvii. 20.) The priests of On were the Egyptian Heliopolis; the priests were restrained to one wife, and their lands, it is said, descended by primogeniture; they were not then idolaters, worshipping the sun only as the best emblem of the Divine mind. The inscription on the temple of Isis must have been derived from the worship of Jehovah, and runs thus, and proves that originally the priests of On must have had some correct notions of the Deity. "I am whatever hath been, and is, and shall be, and no mortal hath yet pierced the veil that shrouds me."

By this uniformity of tenure, supported by the state religion, an hereditary, consolidated, well-endowed Monarchy was established, under whose

protection the children of Israel grew and multiplied until the Exodus; and these institutions furnished Sesostris with those amazing resources, which enabled him to conquer Ethiopia, and almost unveil the springs of the Nile. He penetrated into India nearly as far as the British arms have advanced: he planted colonies at Colchis and on the Caspian sea, and was stopped in Thrace from entering Europe solely from want of provisions. Had Sesostris been led to the undertaking these conquests by any motive better than that of personal vanity, his resources were sufficient to have enabled him to retain them. The institutions of Joseph lasted about 1000 years, and were deranged then only from the want of succession in the Monarchy.

This extraordinary empire originated under the impression of a divine right, and justly so. The empires of Alfred and Charlemagne were formed under similar circumstances. These Monarchs and all their people fought against heathens; but being Christians themselves, they thought, and very reasonably so, that God gave them victory because they were Christians: they called their camps the camps of God, and they were so; for had these camps been taken, the standards of idolatry would have been raised in the land and the state. We are indebted to these feelings for our present system of polity. These men may have had their prejudices, but they served Christianity with their whole soul. In their minds it was associated with



ideas of strength and success of power and of glory; and it was not a vain glory, for they fought for the defence of their country. These were the warriors that gave the Tithe; they gave it to the honour and glory of God. They paid it as their homage to Christ they established it in full sovereignty in a place of dignity worthy the gift, the giver, and also the receiver—they placed the Title of it on the Communion Table of Winchester Cathedral. Parliament have stolen it from thence; they have removed it from thence without the consent of the lifehold owners of it, and have converted it into national property, and in a generation or two it will be removed altogether. Who is the nation that it dares do this! Did the nation make the land themselves, that so late in the creation they thus take possession of it! When the tenth part was dedicated to God, they renounced these false notions of sovereignty, and the landowners secured by it a better title for themselves; one that an Act of Parliament cannot touch without a jury.

For I contend that there are some things greater than an Act of Parliament; and one of those things is, the summons of the whole body of landholders at the Coronation. The contract then made at the Communion Table, to which the Deity is a part, is, that the sovereignty of the soil is not exclusively in them; they confess that they neither made the soil or themselves, but hold it from the



Power that made it, subject to the conditions for which it was made, and this contract is greater than an Act of Parliament. Were I a Bishop, I would not assist at the Coronation until the Tithe was replaced on the Communion Table; and I would do so not for the sake of the Church only, but for the sake of the whole body of landholders, that their rights might thus for ever remain consecrated, and revolutions and confiscations become impossible when upstarts and demagogues, who sometimes lead Parliaments, break through the established principles of ancient empires. It is the law of the land, that in this matter Parliament itself should be checked by a jury; and I mean to claim the benefit of one on my case. Were I a Dean of a Cathedral, I would not officiate until I held my lands as my predecessors had done as freeholds from the Crown, and I would appeal to the sense of justice of the House of Peers, whether it were more right that the cathedral bodies should hold of Commissioners than they themselves, and whether in permitting the nation to make this usurpation, they are not preparing the way for their own degradation, and for the insecurity of every other man's property.

The common relation of allegiance betwixt the Crown and the Clergy, that exists in other subjects, will of course remain unchanged, but this is a secondary and inferior source of loyalty, and very imperfectly expresses the community of interest

that binds the Clergy to the Crown, and the Royal Family. Strictly speaking, there never has been but one Royal Family on the Throne; this unity of possession has been the chief strength of the Monarchy, and the Episcopal Clergy have been the leading powers in preserving this permanency. They held lands directly of the Crown, they have access to the Royal Person, and the members of that family must be of their communion: but whatever powers are placed between the Clergy and the Crown, must weaken the authority of both: whatever removes the immediate influence of the Clergy as landowners from the soil, whatever law steps between them, and the original homage of the Bishops and the Cathedral Clergy<sup>a</sup>, weakens both the Monarchy and the Church. The Royal Family is the oldest family in the empire; it would be entitled to take the precedence of all other, solely on the ground of its antiquity. It is the oldest Christian family that can be traced in the

<sup>a</sup> If it be right and just that the Cathedral Clergy are to hold of the Ecclesiastical Commissioners, it is probable, if this usurpation is quietly submitted to, that Ecclesiastical Commissioners may be thought the officers proper for institution to parochial preferment, instead of the Clergy. Let the parochial Clergy and their patrons also look forward in time, and emancipate the Cathedrals, and thus secure their own freeholds. The restoration of their freeholds to the Cathedrals need in no way interfere with the late disposition of Church property; it is only requisite that the Commissioners should be in their proper rank of stewards and land agents under the lawful owners of the property.



empire, but its antiquity is chiefly owing to the Episcopal Clergy and their hereditary perpetual support for ages. The Crown power once rode haughtily over the three estates, but it is now reduced below its proper level, and has little weight in balancing the Constitution; and Ministers and Crown Lawyers surrender without reluctance many prerogatives of the Crown, that were intended to be some of the most valuable privileges of the community; I mean, those prerogatives which the Crown has as head of the Church; such as the guardianship of the poor laws, the protection of Tithe and Church Rates, institutions interwoven with the original grant of all lands from the Sovereign, and for the preservation of which all classes look to the Crown, as being the source from which they sprang. The affection to the Crown is derived in part from regarding it as the keeper of these ancient customs, and maintaining them upon its own responsibility. The Crown formerly spoke a voice for itself, which spoke the Coronation oath. There are certain questions respecting the relations that the Church and State bear to each other, that wise and good men have always wished to avoid. The question of supremacy has been one of blood, from the days of Theodoric and Boethius to the times of Sir Thomas More and Henry the Eighth. From the ages of Archbishop Wilfred and Beckett, successive scenes of contention and undecided dispute have agitated



each generation: investitures and homage, the boundaries of obedience due to Christ or to the king, have perplexed the wits of the best and the wisest: all these disputes in their worst form the late Administration have raised for contention. For many years they have been lying as it were in abeyance, owing to the arrangement between Lord Clarendon and Archbishop Sheldon; and in that state they might have remained, had power over the Church remained in the hands of its friends; for the sake of peace it is incumbent on the Church to suffer many injuries and indignities. But of late that power has fallen into the hands of its enemies, and it may return to them again. The Church must therefore look to its own safety, it must look back to the original contract entered into between the Crown, the State, and the landowners of England, and the chief object that then strikes the mind is the Tithe. The evils attending the confiscation of the property of the Clergy as national property by the French Assembly in 1789 are not yet terminated, and I believe they are both interminable and remediless. The Act ordering the Forced Commutation of Tithe is of a similar character, though that character may require some time to develop itself; it turns upon the same principle that the Tithe is national property. In answer to this usurped claim, I beg leave to call your Lordships' attention once more to the meaning of the word Tithe.

The gift to God ; Independence of tenure, Sovereignty, the right of sharing in legislation, these are essential parts of the gift, and to rob the Church of them is a breach of covenant, a non-fulfilment of the contract under which the legislature interferes with the Church.

Believing therefore the Tithe to be that which the givers of it believed, that it is really and truly the gift to God, I do not see any reason why the language and the threats of St. Peter do not apply to all who seize it, or treat it as national property. "Whiles it remained was it not thine, was it not in thine own power? Why hath Satan filled thine heart to lie to the Holy Ghost, and to keep back part of the price? why hast thou conceived this thing in thine heart? thou hast not lied unto men, but unto God." (Acts v.) France, My Lords, has experienced the fate of Ananias. Instructed by her example, I hope Great Britain will not draw on herself the curse of Sapphira.



## APPENDIX.

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Τὸ Δέκατον τῆς πόλεως ἔπρεσε.

The Tenth (or Tithe) of the State fell. *Rev. xi. 13.*

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### *The Laws of Alfred.*

ALFRED, after having fought more than fifty pitched battles, and innumerable skirmishes, lived to review the laws of England, and publish a code derived from the kings who first planted the Christian faith; he dates from that æra, quoting the laws of Ethelbert 606, Ina 718, and Offa 794. Offa's laws have been lost.

Ethelbert's laws begin with the words God's fee, and fines, twelve fold fines for trespassing upon them.

Ina's laws are headed with the Title: I Ina, with God's gifu, gift, or grace. A Title first began by Constantine the Great. His first laws regulate marriage, and orders forfeiture of land to all who neglect to bring their children to be baptized. The next law enforces oaths and pledges, which must have been those of members of the Church.

Alfred's laws begin with the Commandments, and the 20th chapter of Exodus. And many of the Mosaic laws are quoted so exactly, that it might be supposed they were quotations only, had they not been made in the following form: Sec. 11. If any one buy a Christian slave or theaw, let him serve six years, and then be free the seventh,

without money: and other laws of a similar nature qualifying the rigors of slavery. After having adopted several of the Jewish laws, the following remarkable passage occurs.

"These are the laws which Almighty God Himself spake to Moses. Moreover, the Only-begotten Son of God our Saviour Jesus Christ, when He came into the world, said openly, that He did not come from heaven that He should break the given law, but that with all mercy and goodness He should fulfil it; and He delivered to us a form of discipline, consisting in piety. But after his crucifixion, whilst as yet his disciples had not separated to preach the Gospel, they converted many, and sent interpreters of the divine will to Antioch, Syria, and Cilicia; and when these messengers reported to them what had taken place, they sent letters to them. This therefore is the letter which the Apostles sent to the people of Antioch, Syria, and Cilicia, who had been converted from heathenism to Christ." He then quotes the Acts of the Apostles containing the Council of Jerusalem, ch. xv. and the Apostles and Elders with the whole Church to verse 29.

Alfred also adds some other quotations from the Gospels; as, "Do not to others, what ye would not they should do to you. From this commandment alone, we might know that equal justice should be rendered to all. Nor do we need any other book of law but this; and of this every judge that sits in justice should be mindful, that he should pronounce no sentence, that he thinks should not also be in his turn pronounced against himself. After this many other nations received the faith of Christ; and amongst these the English received it. In consequence many assemblies were held in different parts of the earth, and also in England, of Bishops and others, and of most famous men."

It is most remarkable, that in these institutions of the laws of England, which were shewn and approved of,



as Alfred himself says, to all his wites or witenagemot or parliament, there should be no mention of the Pope or of Rome, but only of the great Apostolic Council of Jerusalem. In these enactments we recognise the genius of Alfred directed by Asser, Bishop of St. David's, who looked to the origin of the ancient British Churches, and who dated the beginning of the British Church from times preceding even the age of Constantine the Great, and which can claim an antiquity coeval with the first century of the Christian æra.

Alfred's laws contain this one: Sect. 38. "Thine Teothan Secattas or Tithe, and thine Frum Ripan or first-fruits living and growing, give to God."

Frum Ripan, Primitiæ, first fruits, or a Choice De Meliori, is the name of the Cyric Scot, or our present Church Rate. In Doctors Commons it is still called a Choice De Meliori. In our old law books, and in Linwood, and the age of Edward the First, both the common law courts, and the courts Christian, and the law writers, call it Consuetudo Regni, because it was custom, and even law in the time of the ancient British Church, being adopted from it into the Saxon.

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I do not pretend to decipher the book of Revelations; I merely point out such parts of them as prove, that the union of the State with the Christian religion is not only foretold in that book, but both prophesied and approved of. The whole book is nothing more than an history of the punishments of those who hold the faith corruptly, and pervert it to their own worldly purpose. But it terminates in the remedying of those corruptions, and the eternal union of the Church and State, when freed

from them. But the freedom is not accomplished until the conjoint action of the restored Christian governments, and the restoration of the Church of Jerusalem, which is by nature and constitution a national Church, one holding an identity in the Church and State, all the landowners of the Holy Land being Christians, as their lands were holden under the covenant of Moses.

The book of Revelations is not only valuable as a roll of prophecy, but it also, together with the Epistle to the Hebrews, contains the most complete contradiction to the papal superstition and blasphemous usurpations of power, so plain and simple, and contained in the very words of Christ or of the Scripture, that these fallacies cannot stand before them; and they should be used for this purpose, because every one can meet with them and understand them, and the British people read their Bibles, and reverence them; but our best refutations of popery are the work of able scholars, and only scholars can understand them. in all cases it is best that the Bible should speak for itself.

But the three first chapters of the Revelations are not prophetic, but contain the most plain and direct orders of Christ for the governance of his Church, and they ought to be applied to that purpose; they would put an end to much cavil, and the disputes concerning legitimacy.

First intimation of the book of Revelations  
by our Saviour himself almost imme-



diately before his ascension. It is contained in the Gospel of St. John, and St. John's comment on them seems to imply that he, at the time of writing, understood them; and if so, the opinion is right that St. John wrote his Gospel after the Revelations. On St. Peter enquiring what should be the fate of St. John, our Saviour answers, "If I will that he tarry until I come, what is that to thee." This saying, till Christ came, was the prolongation of St. John's extraordinary length of life, nearly one hundred years, until Christ came to visit the Churches of Asia, and convey the Revelations concerning the government of the Church to St. John, and to the seven Churches of proconsular Asia. Now if Christ had ever given any command to St. Peter, or to his successors, to govern the Universal Catholic Church, he must have given it before he spoke these words, and these words would have made Christ contradict himself, and become the introducer of discord into his own Church. For then St. John ought to have obeyed St. Peter and his successors; but Christ here establishes a separate jurisdiction, and tells St. Peter, that neither he nor his successors, for more than sixty years, for so long the life of St. John lasted, had any thing to do with St. John and his Churches. The words appear to me framed especially to rebut the absurd pretensions of St. Peter and St. Peter's successors. Besides, the keeping of the Revelations was entrusted to the seven Greek Churches of Asia,

and if so important a Revelation was entrusted to them, it affords a reasonable conjecture that the government of Christ's Church under one head on earth was by no means necessary to secure the influence of the Holy Spirit, since such a Revelation of it was entrusted to seven Churches only. The number seven, in this as in all other cases, means a number sufficient to complete a work, or to effect a purpose, like the seven days of the week, which bring a conclusion, after which the same thing occurs again: but this preference to the Greek Church did not first appear on this occasion. In John xii. 21. it was told Jesus that certain Greeks came up to the Passover; upon which our Saviour prophesies of the extension of his faith through the Greeks.

There is no mystery in the salutation of St. John to the seven Churches; he names Christ not as he names him in the Gospel, "In the beginning was the Word, &c." but he points out Christ with titles consistent with the purpose for which he was writing, and they are equivalent to the description of the invisible Melchizedec, which St. Paul used in his Epistle to the Hebrews. He calls Jesus Christ "the Faithful Witness, the First Begotten of the dead, and the Prince of the Kings of the earth," because the Revelations contained the exaltation of Christ and the law of the Gospel into the state and seat of power, and the subjection of all authority to it. And in the same sense he declares the



members of the Churches to be already by anticipation kings and priests, that is, holding the power subsequently established by Constantine. The seventh verse glances hastily at the conclusion of the book, and the end of the prophecy of Zacharias<sup>a</sup>. And again, in the end of the chapter, the advancement of the Church into the State, and destruction of the idol worship, is plainly told: "He that overcometh, and keepeth my words unto the end, to him will I give power over the nations, and he shall rule them with a rod of iron, as the vessels of a potter shall they be broken to shivers, even as I have received of my Father." The expression, "he shall rule the nations with a rod of iron," occurs three times in the Revelations. In the twelfth chapter, speaking of Constantine as the man child caught up to the throne of God, who was to rule all nations with a rod of iron. Again, in the nineteenth chapter, on the re-entrance of the white horse surmounted by a type, like the Shechinah, who shall rule the nations with a rod of iron. The rod therefore, though one of iron, is not an unholy rod, nor one of injustice, although one of power.

The expression "morning star" is met with again at the end of the Revelations; Christ (ch. xxii. ver. 16.) says, "I am the root of David, and the bright and morning star." This is an appellation of Satan, and any power leading in the political

<sup>a</sup> Zech. xii. 10. See also chap. xiv. for the same scene as Rev. xix.

heaven; and in this sense Christ says, "I saw Satan as a star falling from heaven after the preaching of the seventy; and after the victory in the Revelations, Christ styles himself the bright and morning star. But all these expressions imply the Christian religion dominant in the State. But the object of the Revelations having been declared. The prophecies open, which shew how the Church is to be ruled through the State and its mixed powers. The Episcopal Church is established and named by Christ himself as an Apostolic Church, that is, the seven Churches are so styled; the seven angels of these Churches are said to be in the right hand of Christ, the seven candlesticks are their Churches, and angels are God's messengers. Our Saviour therefore thus recognises their divine right, and the salutation is to one angel in each Church, not to a Presbytery or to many angels, although we know there were Presbyters to all the Bishops' Cathedrals. (See Acts, ch. xx.) v. 17. for the Church of Ephesus.)

These angels were therefore the Bishops, and this sevenfold salutation of Christ is the location of the Churches, and his inauguration of these angels or bishops into their seats; and it is the best authority for the Apostolic succession; for in the year 98, all the Apostles but St. John being dead, and most probably all that were appointed by the Apostles, still Christ calls the existing bishops his angels or messengers, which he would not have done had he not considered them as the



successors of the Apostles ; and in the visitation of the Church of Ephesus he uses the very term Apostle, and also shews the Church its first duty, which is to verify and prove its legitimacy ; “ for I know thy works, and thy labour, and thy patience, and how thou canst not bear them that are evil, and hast tried them which say they are Apostles and are not, and hast found them liars.” All the Apostles had been in their graves, except St. John, for thirty years, and yet the term Apostle is used by Christ as belonging to the Bishops, and those who had been convicted of usurping their authority ; when therefore our law at the Coronation receives the Bishops vice Apostolorum, they have good authority for the title ; and this was the title of the British Bishops so early as the fifth century.

It may be remarked, that Christ does not name these Bishops, the line of succession is not even hinted at ; they were the established Bishops of these Churches, and he fixes their characters by styling them his *Ἀγγελοι*, which is authority quite sufficient ; but these Cathedrai had all their Presbyters, (see Acts xx. 19.) to advise and assist the Bishops.

The government of the Church having been thus established so far as the Episcopal order, the Diocesan persecution, the last which afflicted the Church, is glanced at ch. ii. 10. and in the fourth chapter a more extensive order opens with the prophecy, which at that time was about 200 years in futurity. The prophecy concerns the future

government of the Church in connection with the State.

The wild and sublime imagery of the visions begins with the opening of a door in heaven, and a voice promising to shew things hereafter. Bishop Newton, one of the most intelligent and prudent of the interpreters of this book, explains the entry of the white horse as relating to Trajan and the destruction of Jerusalem, which took place more than thirty years before the Revelations were written, though they profess to teach things that shall be hereafter; of course the whole of his interpretations come to nothing. Mr. Faber omits them altogether, and few authors agree in their development of them. These types, are all combined from the temple worship at Jerusalem, and they relate to the Christianised Church of Judæa, which is a national Church. The Lamb opening the sealed book, and the One on the throne set in heaven, are the same views of the Divine Presence, that is continually met with in the Psalms, particularly where David in the 110th says, "The Lord said unto my Lord, Sit thou on my right hand, until I make thine enemies thy footstool;" and they are partial demonstrations of the Elohim, the Shechinah or the Trinity, accustoming men to the doctrine of plurality of Persons in the Godhead. The twenty-four Elders are anticipations of the twelve Apostles and the twelve Heads of the Tribes of Israel; they are also anticipations of the Christian Church



in power, denoting the Apostolic power, and the powers similar to the other powers in the Jewish converted state. The four beasts are images combined from the standards of the Tribes of Israel and the visions of Ezekiel relating to the restoration of the Jews at the end of their captivity. We have no word in our language capable of expressing the word ζῶα, or living creature; for though they have brutal form, they are rational creatures, for they sing praise to God, and have reasonable faculties. The ζῶα are types of the opinion of the body of the Christian people, and the brutal forms denote their gross and imperfect conceptions of the Christian character, yet they sincerely believe; when therefore this Christian population worship Christ and own his power, as a consequence of that act, (see ver. 9, 10. of the fourth chapter,) then the twenty-four elders cast their crowns before the throne of Christ. The union of the Church and State is founded on popular feeling, the worship of the crowned heads follows it. These then sing a new song, which it truly is, and the 10th verse of chap. v. tells us in plain terms what this song and these movements mean; "Thou hast made us unto our God Kings and Priests, and we shall reign on earth." St. Paul, in explaining the nature of the order of Melchizedec, and its invisible head, in the Epistle to the Hebrews, means the same power. To any person who believes his Bible I think these expressions in the tenth chapter and fifth verse,

are an approval of the rule of the Christian religion in the government ; and if that religion is to be placed there, no other can sit there with it. If the different members of Christ's Church<sup>b</sup> are to be Kings and Priests, that is, to share supreme power and reign on earth, no idolatry can reign with them. The sealed book of seven seals is then opened, and the several beasts cry, " Come and see." Popular feelings, and the prayers and good wishes of the Christian world, attend on the movements of the horses, and precede them. The first beast is like a lion, the seat of the vision being in Asia : under the white horse, which is typical of the empire of Constantine established at Byzantium, and the exaltation of the faith of Christ to empire through his victories, the horse being the emblem of victory and power. The authority of Constantine was supported by the Council of Nice, the purity of its doctrine and the perfection and sublimity of the Athanasian Creed, justly mark the character of the horse with the same colour as the white robes of the saints. The typical figure carries a bow as well as a crown ; the bow denotes the Parthian or Persian bow that slew Julian, and by his death established the empire of Constantine; Julian avowed

<sup>b</sup> The word Church is derived from *Κύριον ἔκκλησις*, and means the family of God, the whole body of Christians, not Priests only ; the Council of Jerusalem defines the Church when it came together, " the Apostles and Elders to deliberate, and the whole Christian assembly to approve."



his object of destroying the policy of Constantine. When shot by an arrow, he collected the blood flowing from his wounds in his hand, and finding his wound mortal, he dashed the blood up to heaven, exclaiming, *Vicisti Galilee!* Julian, in furtherance of his project, attempted to restore the Jews, and also to build a temple at Jerusalem upon his own scheme of divinity, and to make it the seat of government. But balls of fire burst out from the ground, killed the workmen, and obliged them to desist from their undertaking. The miracles that attended the elevation of Constantine have without sufficient grounds been doubted; but this Divine interference to prevent the overthrow of Constantine's form of government furnishes a strong argument, that a Divine interposition might be made to establish it. But it is from this point that the extension of Christian empire may be dated. Subsequently the numerous trains of Gothic kings, who started into power from the ruins of the Roman empire, imitated the policy of Constantine; they professed Christianity at least in name, held councils, supported themselves by their authority, granted lands to the Church and to their retainers on Christian tenures, and began by their connection with the Bishops' Cathedra what in the Revelations is called (ch. xi.) the measuring the temple of God with the measuring rod. The beginning of Christian polity, the temple, being put for the seat of law as well as of religion: the Pope had very little to

do in these arrangements ; as yet he had not much power. The effect of these conversions of the Gothic kings may be judged of from the sacking of Rome. Alaric ordered all the churches to be respected, and all who took sanctuary in them escaped massacre. It was from the example of the Greek empire that the first Gothic conversions originated ; and accordingly our Saviour, immediately after having been informed of the presence of the Greeks at the Passover, foretels the extension of the Church. (John xii. 20—24.)

The second beast opens the second seal. Our translation styles him a calf, but *μόσχος* properly means a young bull dressed for sacrifice ; and it justly typifies the character of the converted Gothic nations issuing from their native forests full of zeal for Christianity, and capable of sacrificing their lives in its defence, but incapable of true piety, and subduing their savage and sanguinary feelings. The scene is here changed from the Greek empire ; the colour of the horse is red, the figure carries a great sword, and the parties destroy each other. Under the white horse Christians did not destroy each other : but during the formation of the first Gothic kingdoms, during the Crusades and the Barons' wars, the whole western world was a disgraceful scene of perpetual war between Christians, either public or private : the horse was red, the rider carried a great sword, (the swords really were great,) and they killed one another, and popular opinion was like



a young wild bull, compared with a proper standard of Christian thought.

The third seal is opened, and the beast with a man's face cries, Come and see. A black horse enters, having a pair of balances in his hands.

This balance is the balance of power in Christendom, which began to be formed on the union of the European kingdoms and the extinction of the Baronial powers: it began with us about the time of Henry the Seventh, the marriage of Ferdinand and Isabella in Spain, the overthrow of the English empire in France, and the consolidation of the French Monarchy by Lewis the XIth. This system soon began to be supported by standing armies, to which the sixth verse of the sixth chapter alludes.

The choenix is a measure of wheat sufficient for the daily sustenance of a soldier, and the measures of barley have the same meaning; the denarius denotes a high price. "See thou hurt not the wine and oil." The figures mean that the attention of Government was taken up with the maintenance of their standing armies, and the finances necessary to maintain them and their state, and that Religion began to occupy very little of their attention<sup>a</sup>. Wars became less destructive;

<sup>a</sup> That is, no further than it gave them independence and power, they supported the Beast, but hated the Lamb. The Pope is the two horned beast, ch. xiii. verse 11: the Pope of the Crusades and the Inquisition, one man holding the temporal and spiritual powers.

they took care of the wine and oil as sources of revenue ; manner and laws became humanized, and this beast has the features of a man. The colour of the horse is black, denoting the general unhappiness of the times, and it is the direct opposite of the horse of Constantine, whose power supported the Council of Nice, and itself held a firm belief in the power of the Atonement ; but the spirit with the balance concerns itself only with the balance of power ; the payment of its standing armies, and fleets, and the collection of the revenue ; and thus it continues.

III. The fourth seal opens, and death and hell enter on the pale horse *χλωρὸς*, sickly pale with disease and corruption. The death is the death of faith ; infidelity as to the uses of the Christian faith in the state, and hell follows in the train of this infidelity, as *ᾗδης* signifies, the place of the fallen and apostate spirits of souls rejecting the doctrine of the Atonement. It is a term the same as *ἄβυσσος*, the bottomless pit or hell, the seat of the damned. From this bottomless pit, the eighth and last beast carrying the great whore that is found sitting in the wilderness (ch. xvii. verse 3 and 8.) arises. This beast is the same with the horn in the 7th chap. and 10th verse of Daniel, which makes war against the saints. There is an angel sounding the fifth trumpet, (ch. ix. verse 2.) to whom the key of this bottomless pit is given. If we follow the wars of the French Revolution through Russia and Spain,



it may be safely said that this spirit had power over the fourth part of the earth. This spirit first shewed itself in England in the government by the murder of Charles the First, and we had a taste of the hell in the Rebellion; the Presbyterians who began it were Christians, but they were infidels as to the union of the Church and State. This spirit from that time has increased in England until it has produced the Reform Bill, and the measures concerning the Church during the last ten years. France, Spain, Portugal, are under the influence of the same spirit, Germany is in a state of agitation. The death and hell continue in full action, and the desolation and murder they have created in the earth are expressed by the souls of the faithful under the altar; all those men who have died with the consciousness of having defended the altar and the throne, being considered as martyrs like the Primitive Christians; and such I trust many, very many, of our devoted countrymen, who have fallen in the Peninsular war, and at Waterloo, may be considered. The work of destruction and dissolution of Christian order still continues, until, under the influence of this death and hell, on the opening of the sixth seal, there is a great earthquake, of which Spain probably forms part; the sun or the military power is darkened; for the woman clothed with the sun and the moon under her feet and a crown of twelve stars on her head, (ch. xii.) is the Church supported by the army

of Constantine; the moon, the civil government at her feet, and the crown of twelve stars, are the apostolic powers resident in the Council of Nice: and the type of the apostacy of these powers, has the same meaning. The heaven opened for the white horse is departed as a scroll when it is rolled together, and the vision ends in discord and destruction. The political heaven is gone; the beast from the bottomless pit has made war with the saints and overcome them, (Daniel vii. 8.) After these things the cubical multiplication of the Jewish Church takes place, as a preparatory step for the remedying of this evil, and the 144,000 render the same homage with the beasts and the elders to Christ. In the eighth chapter, the seventh and last seal, which concludes the work, is opened; but the heaven in which the white horse expatiated is still rolled up, and there is silence in heaven for half an hour. The historic action of the seventh seal does not begin until chap. xix. verse 11. when the white horse re-enters amidst songs of triumph and victory far greater than those which welcomed the entrance of the first white horse, and the typical figure surmounting him can be no other than the spiritual presence of our Saviour himself; and then it follows, that the white horse must open heaven at Jerusalem. The 19th chapter then follows in order of time the sixth seal, and the re-entry of the white horse and the sealing of the twelve Tribes are synchronical; the intervening chapters are partial



scenes occurring intermediately, or detached parts of the vision. I only pretend to prove the divine authority for the union of the Church and State; I shall therefore touch only on scenes immediately bearing on that head; the Revelations though relating to one subject could never have been given at one sitting; human nature could not have sustained the knowledge of them! They were given, as is clear from the wording of them, at different times and under circumstances, and in detached parts. In the vision of the seals, the sixth is a history of the whole period.

The eleventh chapter is one of this description, also, it contains the whole history of the six seals. Constantine rebuilt Jerusalem, which was known under the name of *Ælia*, but in the seventh century the Persians took it, and soon after them the Mahometans, and the holy city has been trodden under foot for nearly 1260 lunar years, by which the Jews and Mahometans count<sup>b</sup>. This is the forty-two months, and at the end of that period which is at hand, we must look to the holy land. The two witnesses prophesy 1260 days or solar years clothed in sackcloth and ashes. These are the Christian and Jewish Churches, which cannot through want of faith exercise the powers inherent in them both such as Elijah possessed, and the early Christian Church possessed something like these powers. They are the two olive trees standing before the throne of God, the olive being the

<sup>b</sup> Feb. 12 begins the 1258th year of the Hejira.

emblem of peace. The doctrine of the Atonement is the peace and light they bring before the throne of God, and both the Jewish and Christian Churches are equally candlesticks in the temple of God, for this purpose. The powers naturally belonging to these witnesses of Christ are told in the 5th and 6th verses, and when the prophecies of Christ in the Old and New Testament shall have been nearly fulfilled, the beast out of the bottomless pit shall make war against them, and overcome them: and this has been nearly done. The beast that arises from the bottomless pit, or the hell that follows, is infidelity in the government. The beast had seven heads and ten horns, comprehending in its geography the western branch of the Roman empire: this beast reckoning from the time when St. John wrote was and is not, and yet is. (ch. xvii. v. 8.) Is republican and pagan Rome partially changed under the dominion of the Cæsars? The principles of this polity or this beast after an interval of nearly 2000 years arises from the death, and hell which has destroyed Christian government, or the visions and the heavens in which the horses rode. The principles of revolutionary France, the claims of the sovereign people, the rejection of religion in the State, the refusal to recognise the doctrine of the Atonement in the State; (for the Scriptures always assume that political government is one of God's rights;) these facts produce the historic allegory, that the beast from the bottomless pit makes war and overcomes the two witnesses, or



the olive trees standing before the God of the earth. (Zech. iv. 12.) The dead bodies therefore of these two witnesses that shine as candlesticks and olive trees before God, are at this moment lying dead in the street of the great city, which is the present public law of Christendom, or rather what was Christendom; for the Jewish polity has been broken up, and the Jews mixed up in common with all other nations. There are now no Jews; the dead body of their polity lies in the street of the great city, and the witness of the Gospel covenant lies dead; his body lies also in the public street of the Christian world. Neither of these two witnesses longer bear witness in the state of the doctrine of the Atonement. They are not alive, having no sovereign or legislative power, but both lie dead in the city which is called spiritually Sodom, which has unnaturally deserted the religion to which the state owes every thing. It is spiritual Egypt which oppresses the people of God. It is also the place where our Lord was crucified locally. Christ was killed on mount Calvary, but He was condemned from the fear, that if He was suffered to live, the Romans and Cæsar would come and take away from the Jews their city and state. And the two witnesses have been killed by the same worldly fear; men have apostatised and been afraid to support religion in the state, lest it should divide the nation and disturb their worldly gain, God has been sacrificed to Mammon, and precisely the same fear that caused the crucifixion of Christ, has led statesmen

to sacrifice their religion to a most mistaken expediency, for they have introduced the death, and the hell has followed. Their dead bodies lie therefore extinct in the public law of Christendom. And this policy is esteemed most admirable and most liberal, and the Revelations best express these circumstances when they say, "and they that dwell upon the earth shall make merry and rejoice over them, and shall send gifts one to another, because these two prophets tormented them that dwell on earth," and they speak with bitter contempt of this state religion, and therefore they will not even suffer the dead bodies of the witnesses to be put into graves; but after three days and a half the spirit of life comes in them from God.

In speaking of the powers of these two witnesses, it is necessary again to repeat, that the confession of the Atonement is the great office of these two olive trees, because it secures the presence and supernatural providence of God; their powers are derived from this cause, it is for this they are called witnesses.

The language therefore used, concerning our Saviour's Atonement, is applied to them. Isaiah cuts off seven weeks from the 490 years, or seventy weeks, to terminate the passion of Christ, and says, He was cut off in the midst of the week, or in a ministration of three years and a half. The bodies of these witnesses lie dead three years and a half, during which no political body on earth confesses before God the doctrine of the Atonement.



ment. For the papal churches do not make it, their adoration of saints renders it void. These are days of unexampled confusion and anarchy, they are the days of which Christ has said, that unless they should be shortened no flesh should see those days. As the death of these witnesses bears so near a relation to the ministration and death of Christ, and as the place of his death is typically introduced into the cause of the death of these witnesses, the same mode of counting time is introduced as to their resurrection; the days of their banishment is shortened, and as seven is the prophetic number for the accomplishment of any prophetic purpose, and as seven or the week was marked out to distinguish Christ's passion, and he was cut off in half the week; so the death of these witnesses is to last only three days and a half, or only half the time otherwise necessary to produce the usual effects of calamity and woe; and only two verses lower, the number seven is used in this sense; and in the earthquake were slain of men seven thousand, that is, a number sufficient to produce the objects of the visitation, for the rest repented: and it is the same in the Old Testament, "I have left seven thousand men, who have not bent the knee to Baal;" that is, a number sufficient to preserve the integrity of the true worship. When these witnesses ascend to heaven, the action synchronizes with the re-entry of the white horse, and the cubical multiplication of 12,000.

I now come to that passage which relates to the Tithe. The Greek runs simply τὸ δέκατον, the tenth or the Tithe; τῆς πόλεως, as used here metaphorically, means the State: the tenth of the State fell, and the rest repented, and gave glory to God: the τὸ δέκατον had been taken away. But let us trace the immediate consequence of this repentance. The second woe is past, and, behold, the third woe cometh quickly; and the seventh angel sounded, and there were great voices in heaven, saying, "The kingdoms of this world are become the kingdoms of our Lord and of his Christ, and He shall reign for ever." Here the prophetic language is thrown aside, and common speech used: "the kingdoms of this world" is the expression used when Satan shewed the kingdoms locally to Christ.

I think therefore that I have brought my proofs to a conclusion concerning the union of the Church and State, and that it is the object of the Revelations to foretel the perpetual union of both, until one is merged in the other. I shall briefly point out the means which the prophecies foretel us shall effect this purpose, because the prophetic passages prove the order of the Deity as to the rendering homage by all nations to the Christian faith. The number seven denotes completion, or the end gained. The end of the seventh seal, the seventh trumpet, and the seventh vial, come to the same point, which is the eternal union of the Church and State. The tenth chapter declares to us the



time when the mystery shall be finished. This angel has a rainbow round his head, he stands in the sun, he has one foot on the sea and one on the earth, and in his hand a little open book. It denotes the general diffusion of the Gospel through the various means of modern communication which our present times afford, and the open book is opposed to the sealed book; and it means that so much of the Prophets and the Revelations has been accomplished, that the little book of extracts was henceforth intelligible. The angel cries the time is not yet, for the passage does not mean there shall be no more time. But ver. 7, in the days of the voice of the seventh angel, when he shall begin to sound, the mystery of God shall be accomplished, as he hath declared to his servants the Prophets. But the same accomplishment is declared on the pouring out of the seventh vial, and the voices cry, The kingdoms of this world are the kingdoms of Christ. The seventh angel pours out his vial, and a voice from the temple cries, *Γέγονε*, It is gone, it is done. This is the mystery of which the prophets spake; but the word Armageddon, in the sixteenth verse of the same chapter, is the key to what the prophets have said, and makes the little or open book the extracts from them perfectly intelligible; "and he gathered them together into a place called in the Hebrew tongue Armageddon." Before therefore we examine who are gathered together, which is told us in the 12th,

13th, and 14th verses, when the sixth angel pours his vial on the Euphrates, we will define the term Armageddon, and then turn to some of the prophetic passages which speak of it. Armageddon is derived from *Ar*, a hill, and *Megiddo*. This valley of Megiddo lies at the foot of mount Carmel, in the tribe of Manasseh. It is remarkable in history for the slaughter of the Canaanites, of Sisera, and of other idolatrous kings, who were cut off to a man by Baruch, and also another slaughter of the Israelites in which Josiah was slain. It is put for a place of mourning. In this sense it is used in Zechariah, ch. xii. verse 11. which is also introduced in Rev. i. 7. Megiddon is put figuratively for a place of battle, in which the judgments of God take place; and the valley of Jehosaphat, or the valley of decision, in the third of Joel, is used in the same sense, from the history of Jehosaphat in the twentieth chapter of the second book of Chronicles. Nearly all the prophets foretel this supernatural visitation; so that comparing these things together, the little book becomes an open book. But this language is repeated in the nineteenth chapter, on the re-entry of the white horse surmounted by the word of God, and the images and the scene are one and the same, and denote the same action. In the re-entry of the white horse, the worship of saints is rebuked and forbidden, and image worship was the chief cause of the division of the Greek and Roman Churches, and of the passing away of the first white horse.



“ And again the word of God rules the nations with a rod of iron as the first white horse had done ;” that is, through the established laws.

But it remains yet to be pointed out, who the parties are that are to be gathered at Armageddon, and the multitudes in the valley of Jehosaphat, the valley of decision, to decide the Lord’s controversy with the nations, and to take the beast, the false prophet, and the dragon. Four verses above the word Armageddon it is written, “ and the sixth angel poured out his vial upon the great river Euphrates, and the waters thereof were dried up, that the kings of the East might pass.” The Jews interpret the waters of the Euphrates to be the extinction of the power of the Turks ; and the Kings of the East are the British Government and the East India Company, and their native troops ; there are no other kings of the East. “ And I saw three unclean spirits like frogs come forth out of the mouths of the dragon, and out of the mouth of the beast, (the beast that arises from the bottomless pit,) and out of the mouth of the false prophet. For they are the spirits of devils working miracles, which go forth unto the kings of the earth, and of the whole world, to gather them to the battle of that great day of God Almighty.” The state of the Turkish empire and of the East and of Europe leads us to think, that political and commercial schemes, which will lead unto these movements, are close at hand. Frogs are the

emblems of the Nile and of Egypt, and the affairs of Egypt will probably have a leading influence on them. But the fall of Babylon, great Babylon, the local and the typical Babylon, is to accompany these events, together with the rise of the local Jerusalem Christianized, and also of the extended polity of Jerusalem, together with it. Cyrus dried up the waters of the Euphrates, and took the local Babylon, and restored the Jews; (Isaiah xlv. 26.) "I am the Lord, that saith to Jerusalem, Thou shalt be inhabited, and to the cities of Judah, Ye shall be built. That saith to the deep, Be dry, and I will dry up thy rivers. That saith of Cyrus, He is my shepherd, and shall perform all my pleasure. Even saying to Jerusalem, Thou shalt be built."

In the sixth vial, the waters of the Euphrates are said to be dried up, because Babylon is about to fall, and Jerusalem to be rebuilt. After the destruction of the infidel governments and their nations, an order is made in prophecy that for ever establishes the Christian religion in the State and land, Zech. xiv. 16. The feast of Tabernacles or Tents was instituted by God to be kept at harvest, to remind the Jews that they once dwelt in tents without a country. But now holding their lands of God, they were expected to remember the time when they had no land. At that feast, they brought him offerings, owning that they held their lands of him, subject to the keeping his religion; in this case the Christians, and all those



that opposed Jerusalem, are to come and worship at that feast. Whether this is said really or metaphorically, it comes to the same conclusion. In this approaching struggle which is drawing close to us, I hope Great Britain will not be found amongst those nations that will go up against Jerusalem; that she will leave other people to exhaust themselves to stumble against the Deity, and be disgraced, and lose their independence also, for they must as a punishment go up to Jerusalem; but the Forced Commutation of Tithe has some connection with this important subject. If the British Legislature continue to violate God's fee in their own land, a parallel presumption may lead them to be blind to the claim of Sovereignty, that Jehovah has always upheld in Judæa. It cannot be long before those claims are agitated, faint sounds of the distant tread of the white horse may be heard in the political horizon, the fear of his power will extend spiritually over the nations when he re-enters. Proud ministers will no more tell the successors of the Apostles to set their house in order, for they shall die. Vestries will no longer dispute their Church Rates, and parish priests will enjoy the Usufruct and Sovereignty of God's fee in full independence. Until then, I protest against the Forced Commutation of Tithe. Thus, my Lords, these grand convulsions, which shall shake the whole earth, have some connection with the Vicar of Charlbury, and I trust your Lordships, as Lay-Rectors

and as Peers of the Realm, and the representatives of the Baronial orders, with whom, and the Bishops, the Advowsons first originated, will think of them also, as intimately connected with your own duties and your privileges; and the sacred right of primogeniture, upon which the Constitution is built.

I have the honour to remain,

My Lords,

Your obedient servant,

T. SILVER.

*Charlbury,  
Jan. 31, 1842.*



## NOTES.

P. 44. l. 3. *Introduction of foreign corn without restraint.*

"This country cannot prosper, nor can any country prosper, when the agriculturist is in difficulty; and as a very curious example, I shall quote what is said by Mr. Wentworth, in an account of the British Settlement at Botany Bay.

"At one time wheat and grain of all sorts was so abundant in quantity, that the prices fell so low that the cultivators could not pay the merchants and storekeepers, who again could not pay for the goods they had imported, so that a general stagnation of trade and insolvency prevailed throughout the whole colony, till the river Hawkesbury rose and inundated the neighbouring country, by which the granaries of corn were destroyed, after which grain rose to a high price, and every thing went well again.'

"Mr. Wentworth I happen to know. He is no theorist nor political economist, but relates the fact no doubt exactly as it was, with the strictest adherence to truth; and what he relates proves, that, even if the distresses of agriculturists arise from abundance, they unhinge society. The inability of the agriculturist to purchase from the manufacturer and tradesman, is not compensated to them by the cheapness of provisions.

"In short, all classes are deranged by it, and therefore let there no longer be any jealousy between the manufacturer and agriculturist, for in civilized society they must rise or fall together. The Scripture words are true, that man does not live by bread alone; and if bread could be reduced to 2d. a loaf, if the farmers were ruined, the ruin of the manufacturers and tradesmen would follow fast after." *Playfair on Agricultural Distress*, p. 32.

P. 45. l. 13. *Nine-tenths of the country.*

"The whole annual produce of the land and labour of every country, or, what comes to the same thing, the whole price of that annual produce, naturally divides itself into three parts; the rent of land, the wages of labour, and the profits of stock: and constitutes a revenue to three different orders of people; to those who live by rent, to those who live by wages, and to those who live by profit. These are the three great, original, and constituent orders of every civilized society, from whose revenue that of every other order is ultimately derived.

"The interest of the first of those three great orders, it appears from what has been just now said, is strictly and inseparably connected with the general interest of the society. Whatever either promotes or obstructs the one, necessarily promotes or obstructs the other. When the public deliberates concerning any regulation of commerce or police, the proprietors of land never can mislead it, with a view to promote the interest of their own particular order; at least, if they have any tolerable knowledge of that interest. They are, indeed, too often defective in this tolerable knowledge. They are the only one of the three orders whose revenue costs them neither labour nor care; but comes to them, as it were, of its own accord, and independent of any plan or project of their own. That indolence, which is the natural effect of the ease and security of their situation, renders them too often not only ignorant, but incapable of that application of mind, which is necessary in order to foresee and understand the consequences of any public regulation.

"The interest of the second order, that of those who live by wages, is as strictly connected with the interest of the society as that of the first. The wages of the labourer, it has already been shewn, are never so high as when the demand for labour is continually rising, or when the quantity employed is every year increasing considerably. When this real wealth of the society becomes stationary, his wages are soon reduced to what is barely enough to enable him to bring up a family, or to continue the race of labourers. When the society declines, they fall even below this. The orders of proprietors may,



perhaps, gain more by the prosperity of the society, than that of labourers: but there is no order that suffers so cruelly from its decline. But though the interest of the labourer is strictly connected with that of the society, he is incapable either of comprehending that interest, or of understanding its connection with his own. His condition leaves him no time to receive the necessary information, and his education and habits are commonly such as to render him unfit to judge, even though he was fully informed. In the public deliberations, therefore, his voice is little heard, and less regarded; except upon some particular occasions, when his clamour is animated, set on, and supported by his employers, not for his, but their own particular purposes.

“His employers constitute the third order, that of those who live by profit. It is the stock that is employed for the sake of profit, which puts into motion the greater part of the useful labour of every society. The plans and projects of the employers of stock regulate and direct all the most important operations of labour, and profit is the end proposed by all those plans and projects. But the rate of profit does not, like rent and wages, rise with the prosperity and fall with the declension of the society. On the contrary, it is naturally low in rich, and high in poor countries, and it is always highest in the countries which are going fastest to ruin. The interest of this third order, therefore, has not the same connection with the general interest of the society, as that of the other two. Merchants and master manufacturers are, in this order, the two classes of people who commonly employ the largest capitals, and who by their wealth draw to themselves the greatest share of the public consideration. As during their whole lives they are engaged in plans and projects, they have frequently more acuteness of understanding than the greater part of country gentlemen. As their thoughts, however, are commonly exercised rather about the interest of their own particular branch of business, than about that of the society, their judgment, even when given with the greatest candour, (which it has not been upon every occasion,) is much more to be depended upon with regard to the former of those two objects, than with regard to the latter. Their superiority

over the country gentleman is, not so much in their knowledge of the public interest, as in their having a better knowledge of their own interest than he has of his. It is by this superior knowledge of their own interest that they have frequently imposed upon his generosity, and persuaded him to give up both his own interest and that of the public, from a very simple but honest conviction, that their interest, and not his, was the interest of the public. The interest of the dealers, however, in any particular branch of trade or manufactures, is always in some respects different from, and even opposite to, that of the public. To widen the market and to narrow the competition, is always the interest of the dealers. To widen the market may frequently be agreeable enough to the interest of the public; but to narrow the competition, must always be against it, and can serve only to enable the dealers, by raising their profits above what they naturally would be, to levy, for their own benefit, an absurd tax upon the rest of their fellow-citizens. The proposal of any new law or regulation of commerce which comes from this order, ought always to be listened to with great precaution, and ought never to be adopted till after having been long and carefully examined, not only with the most scrupulous, but with the most suspicious attention. It comes from an order of men, whose interest is never exactly the same with that of the public, who have generally an interest to deceive and even to oppress the public, and who accordingly have, upon many occasions, both deceived and oppressed it." *Smith's Wealth of Nations*, vol. i. p. 348—352.

THE END.

















